

To: 37266-15617755@requests.muckrock.com[37266-15617755@requests.muckrock.com]
Cc: Wheatley, Jessica[wheatley.jessica@epa.gov]
From: Clarke, Victoria
Sent: Mon 5/8/2017 3:49:32 PM
Subject: Clarification of EPA-R5-2017-006932 and similar requests submitted to EPA Regions

Mr. Surgey,

I am writing in regard to your FOIA Request EPA-R5-2017-006932, as well as the request you submitted to Region 3 by email on May 5, 2017, in which you seek "Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017: 1. Bangerter, Layne 2. Beck, Nancy 3. Benton, Don 4. Bennett, Elizabeth "Tate" 5. Bolen, Brittany 6. Bowman, Elizabeth 7. Brown, Byron 8. Davis, Patrick 9. Dravis, Samantha 10. Ericksen, Doug 11. Ford, Haley 12. Freire, JP 13. Ferguson, Lincoln 14. Graham, Amy 15. Greaves, Holly 16. Greenwalt, Sarah 17. Gunasekara, Amanda 18. Hale, Michelle 19. Hupp, Millan 20. Hupp, Syndey 21. Jackson, Ryan 22. Kelly, Albert 23. Konkus, David 24. Kreutzer, David 25. Lyons Troy 26. Munoz, Charles 27. Ringel, Aaron 28. Schwab, Justin 29. Schnare, David 30. Sugiyama, George 31. Wagner, Kenneth 32. Wilcox, Jahan 33. Scott Pruitt." You did not leave a phone number by which I could call you.

As submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for your interest in the EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

To: Ben Romer[Ex. 6 - Personal Privacy]
Cc: White, Candace[White.Candace@epa.gov]
From: Clarke, Victoria
Sent: Tue 3/28/2017 4:51:35 PM
Subject: RE: EPA FOIA Request EPA-HQ-2017-003219

Good afternoon, Mr. Romer:

Thank you very much for your clarification below. I still have an additional question with respect to your FOIA request, and that is which EPA employees would be directed by Doug Ericksen regarding vetting of publications?

Based on what you have described, my suggestion would be to look for responsive records "regarding internal documentation vetting processes, and any input Doug Ericksen personally may have had into the approval or rejection for publication of EPA documents since the beginning of 2017" in the possession of the Acting Administrator at the time (Catherine McCabe), the current Administrator (Scott Pruitt), as well as the head of the Office of Public Affairs (George Hull) as well as Mr. Hull's senior advisor (Nancy Grantham).

Does this sound agreeable to you? Please let me know so that EPA can process your request.

Thank you so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Ben Romer [mailto:Ex. 6 - Personal Privacy]
Sent: Tuesday, March 28, 2017 9:39 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: White, Candace <White.Candace@epa.gov>
Subject: Re: EPA FOIA Request EPA-HQ-2017-003219

On Mon, 2017-03-27 at 17:24 +0000, Clarke, Victoria wrote:

Mr. Romer,

I am writing in regard to your FOIA Request EPA-HQ-2017-003219 in which your seek "All email, transcripts, notes, revisions, discussions of revisions, and other relevant documentation produced during any internal "vetting" of external EPA communications, in the process described by Senator Doug Ericksen." I tried to call you by telephone, but was unable to reach you.

My apologies - if you tried to reach me yesterday, I was very busy with work. I'll try to answer your question by email and if my answer isn't satisfactory, I'll try to call you back. I'm sure you're very busy as well. :)

As submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

The records I am seeking are email communication between the EPA and the White House regarding EPA documents meant for publication. On January 24, 2017 in a

public interview, Doug Ericksen described an "internal vetting process" through which EPA publications would be approved or rejected by the White House, but did not offer any specifics about that process, including who would be responsible and what the criteria are for publication.

I would be satisfied with just the email communications between Mr. Ericksen and the EPA regarding internal documentation vetting processes, and any input he personally may have had into the approval or rejection for publication of EPA documents since the beginning of 2017.

Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for contacting me! If the above isn't sufficient to narrow it, let me know and I will call you back as soon as I can. I greatly appreciate your efforts. :)

Sincerely,

Ben Romer

To: Ex. 6 - Personal Privacy
Cc: Newton, Jonathan[Newton.Jonathan@epa.gov]
From: Clarke, Victoria
Sent: Mon 6/12/2017 7:18:27 PM
Subject: RE: EPA FOIA Request EPA-HQ-2017-003224

Good afternoon, Mr. Romm.

Last we spoke on March 13, you indicated that you would provide clarification to your FOIA request with our agency, EPA-HQ-2017-003224, particularly with respect to the EPA custodians and the relevant subject matter of the communications. It has been several months since our last conversation, and there has been no word from you.

If you are still interested in this FOIA request, please provide the EPA custodians and subject matter of the communications by this Friday, June 16. Otherwise, your request will be considered voluntarily withdrawn.

Thank you,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7519 G WJCN

202-564-1149

From: Clarke, Victoria
Sent: Friday, February 24, 2017 1:13 PM

To: Ex. 6 - Personal Privacy

Cc: Newton, Jonathan <Newton.Jonathan@epa.gov>

Subject: EPA FOIA Request EPA-HQ-2017-003224

Mr. Romm,

I am writing in regard to your FOIA Request, EPA-HQ-2017-003224, in which you seek “copies of select communications exchanged between White House officials and certain EPA staff that meet the following parameters: 1. By “select communications,” I mean all emails, responses to emails, and any attachments, transmitted between January 20, 2017 and the date by which this FOIA is fully processed; 2. By White House officials, I am referring to all emails sent from, or to, addresses that end in the suffix “who.eop.gov” 3. By select EPA staff, I am referring to the following individuals: a. All staff in the office of the administrator’s immediate office, including its acting leader b. All staff in the Office of Public Affairs.”

Your request as submitted is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency’s regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should “include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want.

The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . .” 40 C.F.R. § 2.102(c).

Please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you so much for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Clarke, Victoria[clarke.victoria@epa.gov]
Cc: Newton, Jonathan[Newton.Jonathan@epa.gov]
From: Erik Hoover
Sent: Mon 3/27/2017 6:12:22 PM
Subject: Re: EPA-HQ-2017-003619

Thank you. This is a completely satisfactory conclusion to my request.

In response to your question on the phone, I can now answer that while the schedule pages that I was looking for had become inaccessible in late January due to the introduction of an intervening page requesting username and password, the pages of archived calendar entries again were available at least in the 2:00 pm to 2:30 pm EST time period on March 20th 2017, when I visited them.

The archived schedules that I reviewed at that time cover the period up to January 20th 2017.

Regards,

Erik Hoover

On Mon, Mar 27, 2017 at 1:54 PM, Clarke, Victoria
<clarke.victoria@epa.gov> wrote:

> Mr. Hoover,
>
>
>
> Thanks so much for speaking with me on the phone this afternoon about your
> FOIA request with our agency, EPA-HQ-2017-003619. As you were able to
> retrieve the records you were searching for online, you have agreed to
> voluntarily withdraw this request. We will administratively close out the
> request on our end – you need not do anything further.
>
>
>
> Thank you so much for your interest in the EPA,
>
>
>
> Victoria
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>
>
> Victoria Clarke
>
> Attorney-Advisor
>
> U.S. Environmental Protection Agency
>
> Office of General Counsel
>
> Washington, D.C. |7312B WJCN
>

> 202-564-1149
>
>

To: Clarke, Victoria[clarke.victoria@epa.gov]
Cc: Hamilton, Sabrina[Hamilton.Sabrina@epa.gov]
From: Courtney Bernhardt
Sent: Thur 2/23/2017 7:51:37 PM
Subject: RE: EPA-HQ-2017-003325 [WARNING: SPF validation failed]

Hi Victoria,

Thank you for the extended deadline.

One part of my request wouldn't be covered by the snapshot—"1. All records related to orders, directives, or communications directing EPA staff to remove the climate change webpage, and subsequent orders, directives, or communications directing EPA staff to "stand down" and not remove the climate change webpage (see Attachments A and B)." If you could let me know the status of that part of the request, that would be helpful.

I will let you know about the remaining items tomorrow.

Thanks again for your help,

Courtney Bernhardt

Senior Research Analyst

Environmental Integrity Project

1000 Vermont Ave. N.W. Suite 1100

Washington, DC 20005

Tel. (202) 263-4447

cbernhardt@environmentalintegrity.org

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Twitter: @EIPOnline

Facebook: <https://www.facebook.com/EnvIntegrity/>

From: Clarke, Victoria [mailto:clarke.victoria@epa.gov]
Sent: Thursday, February 23, 2017 2:47 PM
To: Courtney Bernhardt <cbernhardt@environmentalintegrity.org>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: EPA-HQ-2017-003325

Ms. Bernhardt,

Thank you for speaking with me this afternoon. I understand that you need an extra day to review the EPA Snapshot Website and we agreed that you would let us know by COB Friday, February 24, 2017 if you were voluntarily withdrawing or further clarifying your FOIA request (EPA-HQ-2017-003325).

If we do not hear from you, we will consider your request as voluntarily withdrawn.

If you have any questions, please do not hesitate to reach out to me.

Thank you so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Clarke, Victoria

Sent: Thursday, February 16, 2017 3:38 PM

To: 'cbernhardt@environmentalintegrity.org' <cbernhardt@environmentalintegrity.org>

Subject: EPA-HQ-2017-003325

Ms. Bernhardt,

Thank you for speaking with me this afternoon regarding your FOIA request pending with EPA. Immediately following the 2017 Presidential inauguration, the agency received numerous FOIA requests regarding historic versions of the EPA website. To respond to these requests for information, EPA has re-posted a snapshot of the EPA website as it existed on January 19, 2017.

- This action is similar to the web snapshot taken of the previous administration's WhiteHouse.gov site that is publically available on the National Archives and Records Administration's web site.
- The EPA snapshot ([19January2017Snapshot@epa.gov](#)) is now available on the current EPA web page in the footer, under "Discover," or from the "Frequently Requested Information" portion of the FOIA page.

In light of the posting of the January 19, 2017 Web Snapshot, it appears as though the substance of your FOIA request has been addressed. However, given that the Snapshot has been posted recently, we would like to give you time to review the Snapshot. Please let us know by COB Wednesday, February 22, 2017 if you will be

withdrawing your request, or if there are still any unaddressed items. If there are still any unaddressed items, we will need to clarify the scope of your request, including but not limited to identifying custodians, search terms, and ranges.

Thank you for your interest in this information. If you have any questions, please don't hesitate to call me at my number below, or email me.

Thank you very much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Clarke, Victoria[clarke.victoria@epa.gov]
From: Nick Surgey
Sent: Tue 6/6/2017 1:04:15 PM
Subject: Re: Conference Call 2 PM EST Tomorrow

Thanks, Victoria.
Nick

On Tue, Jun 6, 2017 at 8:01 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Excellent. I'll work with the regions on closing your requests and we'll await your new submission.

Thank you so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7519 G WJCN

202-564-1149

From: Nick Surgey [mailto:nick@prwatch.org]

Sent: Tuesday, June 06, 2017 8:59 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Re: Conference Call 2 PM EST Tomorrow

Yes, I think since you are processing them that way, that makes the most sense.

On Tue, Jun 6, 2017 at 7:57 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hi Nick,

Yes, we can close them on our end as voluntarily withdrawn. Will you be submitting a single request to our Headquarters for all of the regions?

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7519 G WJCN

202-564-1149

From: Nick Surgey [<mailto:nick@prwatch.org>]

Sent: Tuesday, June 06, 2017 8:34 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Re: Conference Call 2 PM EST Tomorrow

Hi Victoria

I will refile the request. So can you consider each of the requests to the regions dated 5/5/17 withdrawn?

With thanks,

Nick

On Thu, Jun 1, 2017 at 7:55 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Not a problem, Nick! My week is going fine. Hopefully, yours is too!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7519 G WJCN

[202-564-1149](tel:202-564-1149)

From: Nick Surgey [mailto:nick@prwatch.org]

Sent: Thursday, June 01, 2017 8:47 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Re: Conference Call 2 PM EST Tomorrow

Hi Victoria

Sorry for the delay. I appreciate you keeping the requests open to allow me time to respond, which I will do by the close of day tomorrow.

Hope you are having a good week.

Nick

On Wed, May 31, 2017 at 8:38 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Hello, Nick!

I'm checking in to see how you're doing with crafting subject matter for your requests. If you'd like to have a call to discuss, I'm available today and the rest of the week, at your convenience.

Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7519 G WJCN

202-564-1149

From: Nick Surgey [mailto:nick@prwatch.org]

Sent: Wednesday, May 17, 2017 2:47 PM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Subject: Re: Conference Call 2 PM EST Tomorrow

Thank you, Victoria. I really do appreciate it. We will work to get these requests filed in a way that avoids problems as much as possible in the future.

Looking forward to talking again soon,

Nick

On Wed, May 17, 2017 at 2:38 PM, Clarke, Victoria
<clarke.victoria@epa.gov> wrote:

Nick:

Thanks so much for speaking with me today. Let me know whenever you formulate your subject matters for the request – your request remains open, and I won't close it administratively. In the meantime, we'll work on consolidating the requests across the regions and will apply the subject matters you come up with accordingly.

If you have any further questions, don't hesitate to call.

Looking forward to working with you,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Nick Surgey [mailto:nick@prwatch.org]
Sent: Tuesday, May 16, 2017 11:44 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: Conference Call 2 PM EST Tomorrow

Thanks, Victoria

We have Ex. 6 - Personal Privacy
Ex. 6 - Personal Privacy

Looking forward to talking tomorrow.

Nick

On Tue, May 16, 2017 at 11:07 AM, Clarke, Victoria
<clarke.victoria@epa.gov> wrote:

Hello Nick!

Confirming our conference call tomorrow at 2 PM EST to
discuss the request you've filed with the regions:

"Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017: 1. Bangerter, Layne 2. Beck, Nancy 3. Benton, Don 4. Bennett, Elizabeth "Tate" 5. Bolen, Brittany 6. Bowman, Elizabeth 7. Brown, Byron 8. Davis, Patrick 9. Dravis, Samantha 10. Ericksen, Doug 11. Ford, Haley 12. Freire, JP 13. Ferguson, Lincoln 14. Graham, Amy 15. Greaves, Holly 16. Greenwalt, Sarah 17. Gunasekara, Amanda 18. Hale, Michelle 19. Hupp, Millan 20. Hupp, Syndey 21. Jackson, Ryan 22. Kelly, Albert 23. Konkus, David 24. Kreutzer, David 25. Lyons Troy 26. Munoz, Charles 27. Ringel, Aaron 28. Schwab, Justin 29. Schnare, David 30. Sugiyama, George 31. Wagner, Kenneth 32. Wilcox, Jahan 33. Scott Pruitt."

We'll get this request squared away and on the move. I'll give you a call at Ex. 6 - Personal Privacy I'm in Region 3 at the moment, assisting on FOIA training for our PFOA/PFOS document review team, so if you receive a call from a Massachusetts number, that's my cell phone.

Looking forward to speaking with you – and I hope Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Victoria Clarke[Clarke.Victoria@epamail.epa.gov]
From: Jessica Wheatley
Sent: Tue 5/16/2017 1:01:56 PM
Subject: Fw: Freedom of Information Request: Emails From EPA Political Appointees (Environmental Protection Agency, Region 5)

Hi Victoria,
I'm forwarding this to you.

----- Forwarded by Jessica Wheatley/R5/USEPA/US on 05/16/2017 08:00 AM -----

From: 37266-15617755@requests.muckrock.com
To: Group R5Foia/R5/USEPA/US@EPA,
Date: 05/16/2017 07:44 AM
Subject: RE: Freedom of Information Request: Emails From EPA Political Appointees (Environmental Protection Agency, Region 5)

May 16, 2017
Environmental Protection Agency, Region 5
Regional Freedom of Information Officer
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

This is a follow up to a previous request:

Victoria

Could we schedule a time to get on the phone? I would like to discuss this request, and a number of others that have received the same response.

I am fairly open on Wednesday afternoon if you had some time then. The only time I cant do tomorrow PM is 3-4pm EST.

Thanks,

Nick Surgey

On May 9, 2017:
05/09/2017 04:21 PM FOIA Request: EPA-R5-2017-006932

On May 9, 2017:
Your request for Fee Waiver for the FOIA request EPA-R5-2017-006932 has been fully granted. Additional details for this request are as follows:
* Request Created on: 05/05/2017

* Fee Waiver Disposition Reason: N/A

* Request Long Description: Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017:

On May 8, 2017:
Mr. Surgey,

I am writing in regard to your FOIA Request EPA-R5-2017-006932, as well as the request you submitted to Region 3 by email on May 5, 2017, in which you seek "Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017: 1. Bangerter, Layne 2. Beck, Nancy 3. Benton, Don 4. Bennett, Elizabeth "Tate" 5. Bolen, Brittany 6. Bowman, Elizabeth 7. Brown, Byron 8. Davis, Patrick 9. Dravis, Samantha 10. Ericksen, Doug 11. Ford, Haley 12. Freire, JP 13. Ferguson, Lincoln 14. Graham, Amy 15. Greaves, Holly 16. Greenwalt, Sarah 17. Gunasekara, Amanda 18. Hale, Michelle 19. Hupp, Millan 20. Hupp, Syndey 21. Jackson, Ryan 22. Kelly, Albert 23. Konkus, David 24. Kreutzer, David 25. Lyons Troy 26. Munoz, Charles 27. Ringel, Aaron 28. Schwab, Justin 29. Schnare, David 30. Sugiyama, George 31. Wagner, Kenneth 32. Wilcox, Jahan 33. Scott Pruitt." You did not leave a phone number by which I could call you.

As submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for your interest in the EPA.

Victoria
Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. |7312B WJCN
202-564-1149

On May 5, 2017:

This message is to confirm your request submission to the FOIAonline application: View Request. Request information is as follows:

(<https://foiaonline.regulations.gov:443/foia/action/public/view/request?objectId=090004d2812e528c>)

* Tracking Number: EPA-R5-2017-006932

* Requester Name: Nick Surgey

* Date Submitted: 05/05/2017

* Request Status: Submitted

* Description: Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017:

On May 5, 2017:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Any emails, memos, or other electronic records in the possession of the Acting Regional Administrator, sent to or received from any of the following EPA appointees since January 20, 2017:

1. Bangerter, Layne
2. Beck, Nancy
3. Benton, Don
4. Bennett, Elizabeth "Tate"
5. Bolen, Brittany
6. Bowman, Elizabeth
7. Brown, Byron
8. Davis, Patrick
9. Dravis, Samantha
10. Ericksen, Doug
11. Ford, Haley

12. Freire, JP
13. Ferguson, Lincoln
14. Graham, Amy
15. Greaves, Holly
16. Greenwalt, Sarah
17. Gunasekara, Amanda
18. Hale, Michelle
19. Hupp, Millan
20. Hupp, Syndey
21. Jackson, Ryan
22. Kelly, Albert
23. Konkus, David
24. Kreutzer, David
25. Lyons Troy
26. Munoz, Charles
27. Ringel, Aaron
28. Schwab, Justin
29. Schnare, David
30. Sugiyama, George
31. Wagner, Kenneth
32. Wilcox, Jahan
33. Scott Pruitt

The Center for Media and Democracy is entitled to a fee waiver because it is a news

media organization, and because this request for records concerns activities or operations of the government. Disclosure of the requested records will likely increase public understanding of government operations since CMD has the ability and the intention, through the means described below, to effectively convey information contained within the requested records to a broad public audience. Founded in 1993, CMD's investigative research and reporting has appeared in local and national publications such as the New York Times, the Guardian, and the Washington Post. CMD documents key facts in order to reveal the impact of policies on ordinary people, and has received various awards for its investigative reporting. In addition to using the information from this FOIA request to generate news stories, CMD would distribute information obtained and inform the public at large through various online platforms. CMD publishes information and investigative findings on a near daily basis through CMD's reporting websites, PRWatch and ExposedbyCMD.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Nick Surgey

Filed via MuckRock.com

E-mail (Preferred): 37266-15617755@requests.muckrock.com

Upload documents directly:

https://www.muckrock.com/accounts/agency_login/environmental-protection-agency-region-5-7125/emails-from-epa-political-appointees-environmental-protection-agency-region-5-37266/?uuid-login=5c7ca08d-073e-4a50-a2f2-f43db7ae3fab&email=r5foia%40epa.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock

DEPT MR 37266

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent

through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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To: 32459-44992652@requests.muckrock.com[32459-44992652@requests.muckrock.com]
Cc: White, Candace[White.Candace@epa.gov]
From: Clarke, Victoria
Sent: Fri 2/24/2017 6:15:43 PM
Subject: EPA FOIA Request EPA-HQ-2017-003276

;
Mr. Cameron,

I am writing in regard to your FOIA Request, EPA-HQ-2017-003276, in which you seek “any and all records relating to instructions (orders, directives, memos, or communications) received by the EPA regarding social media/press contact.”

Your request as submitted is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency’s regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should “include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . .” 40 C.F.R. § 2.102(c).

Please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you so much for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: 33290-11273662@requests.muckrock.com[33290-11273662@requests.muckrock.com]
Cc: Sandfoss, Kristina[Sandfoss.Kristina@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/13/2017 2:36:08 PM
Subject: RE: Freedom of Information Request: EPA website
[~WRD000.jpg](#)

::

Mr. Koebler,

Thank you for your response. Please give me a call at 202-564-1149 so that we can discuss your question further.

Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: 33290-11273662@requests.muckrock.com [mailto:33290-11273662@requests.muckrock.com]
Sent: Friday, February 17, 2017 12:39 PM
To: Clarke, Victoria
Subject: RE: Freedom of Information Request: EPA website

February 17, 2017
Environmental Protection Agency
National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

This is a follow up to a previous request:

Does the EPA and will the EPA keep specific notes on which pages are being changed or deleted?

On Feb. 16, 2017:
Dear Mr. Koebler,

EPA received and acknowledged your FOIA request, EPA-HQ-2017-003916, submitted on February 14, 2017 via FOIA Online.

Immediately following the 2017 Presidential inauguration, the agency received numerous FOIA requests regarding historic versions of the EPA website. To respond to these requests for information, EPA has re-posted a snapshot of the EPA website as it existed on January 19, 2017.

* This action is similar to the web snapshot taken of the previous administration's WhiteHouse.gov site that is publically available on the National Archives and Records Administration's web site.

* The EPA snapshot (19January2017Snapshot@epa.gov) is now available on the current EPA web page in the footer, under "Discover," or from the "Frequently Requested Information" portion of the FOIA page.

The information provided in the January 19, 2017 Web Snapshot may provide the information you seek. If it does not, as your request was submitted, it is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

If the January 19, 2017 Web Snapshot does not provide the information you seek, please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

We hope this information is helpful to you and we appreciate your interest in EPA.

Thank you,
Victoria

Victoria Clarke
Attorney-Advisor
U.S. Environmental Protection Agency
Office of General Counsel
Washington, D.C. | 7312B WJCN
202-564-1149

On Feb. 14, 2017:
This message is to confirm your request submission to the FOIAonline application: View

Request. Request information is as follows:

(<https://foiaonline.regulations.gov:443/foia/action/public/view/request?objectId=090004d2811698e4>)

* Tracking Number: EPA-HQ-2017-003916

* Requester Name: Jason Koebler

* Date Submitted: 02/14/2017

* Request Status: Submitted

* Description: Requesting a copy of records describing or identifying which data or records has been removed from the public agency website (www.epa.gov and other domains the agency controls) since January 20, 2017.

On Feb. 13, 2017:

To Whom It May Concern:

Under the provisions of the Freedom of Information Act, I request a copy of records describing or identifying which data or records has been removed from the public agency website (www.epa.gov and other domains the agency controls) since January 20, 2017. These records are likely found in the offices that maintain content on the public website.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. They will be used in the course of reporting for Motherboard, VICE Media's science and tech site (www.motherboard.vice.com).

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request, and I request that this be processed in the "media" fee category. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Jason Koebler

Filed via MuckRock.com

E-mail (Preferred): 33290-11273662@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock

DEPT MR 33290

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

To: Jimmy Metcalf [Ex. 6 - Personal Privacy]
Cc: Teplitzky, Andy [Teplitzky.Andy@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/20/2017 1:05:16 PM
Subject: RE: EPA-HQ-2017-003123

.....
>>>>

Good morning, Mr. Metcalf,

Thank you for your response – we will consider your request withdrawn.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Jimmy Metcalf [mailto:Ex. 6 - Personal Privacy]
Sent: Friday, March 17, 2017 4:22 PM
To: Clarke, Victoria
Subject: RE: EPA-HQ-2017-003123

Dear Ms. Clarke:

Thank you for following up with me regarding our FOIA request. At this time, please consider our request to be withdrawn. We will consider an alternative records request at a later date.
Thank you!

Regards,

Jimmy Metcalf

Litigation Fellow, Animal Protection Litigation

The Humane Society of the United States

From: Clarke, Victoria [mailto:clarke.victoria@epa.gov]
Sent: Tuesday, March 14, 2017 4:30 PM
To: Jimmy Metcalf <Ex. 6 - Personal Privacy>

Subject: EPA-HQ-2017-003123

Mr. Metcalf: I am writing in regard to your FOIA Request EPA-HQ-2017-003123 in which you seek "Any and all records received from, sent to, or that otherwise reference Scott Pruitt, Nominee from EPA Administrator, since November 9, 2016; and any and all records of responses to FOIA requests related to the request in Paragraph 1 that the EPA has prepared since January 1, 2016."

Your request as submitted is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

You did not provide a telephone number at which you could be contacted. Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

To: igor.bobic@huffingtonpost.com[igor.bobic@huffingtonpost.com]
Cc: Teplitzky, Andy[Teplitzky.Andy@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/27/2017 5:32:29 PM
Subject: EPA-HQ-2017-003408

;

Mr. Bobic:

I am writing in regard to your FOIA Request EPA-HQ-2017-003219 in which you seek "Any memos or emails sent by Myron Ebell to agency employees instructing them not to correspond with public officials, including members of Congress and the media, between January 20, 2017 and the present.." I tried to call you by telephone, but was unable to reach you.

As submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you very much,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. 20566 WJCN

202-564-1149

To: Clarke, Victoria[clarke.victoria@epa.gov]; Kira Burkhart[KBurkhart@environmentalintegrity.org]
Cc: White, Candace[White.Candace@epa.gov]; Hamilton, Sabrina[Hamilton.Sabrina@epa.gov]
From: Courtney Bernhardt
Sent: Tue 6/20/2017 1:45:08 PM
Subject: RE: EPA-HQ-2017-003325 [WARNING: SPF validation failed]

Hi Victoria,

Thanks! I saw the notice about the oil and gas ICR documents (part 13). I've copied my colleague, Kira Burkhart, in case you need to reach someone while I'm out.

Have a great week!

Courtney

On Jun 20, 2017 9:32 AM, "Clarke, Victoria" <clarke.victoria@epa.gov> wrote:

Hello Courtney!

I called your number to give you a status update on this FOIA, but one of your colleagues let me know that [REDACTED]

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

On that note, Part 13 of your request is being responded to on a rolling basis. I believe records were uploaded into FOIA Online sometime last week. If you have any questions about those, please feel free to reach out to me or have one of your colleagues do so, and I'll see what answers I find.

As for Part 1 of your request, our Office of Public Affairs (OPA) is working on this, and will hopefully have a response to issue shortly. As you can imagine, OPA has been absolutely flooded with FOIAs about everything from what the Administrator has said to anything relating to the website and the press – but we haven't forgotten about this portion of the request. Again, if there are any questions, feel free to reach out, or have one of your colleagues contact me.

Thank you – [REDACTED]

Ex. 6 - Personal Privacy

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7519 G WJCN

202-564-1149

From: Clarke, Victoria

Sent: Friday, March 10, 2017 3:31 PM

To: Courtney Bernhardt <cbernhardt@environmentalintegrity.org>

Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>

Subject: RE: EPA-HQ-2017-003325 [WARNING: SPF validation failed]

Hello Courtney!

Thanks so much for speaking with me this afternoon about the remaining parts of your FOIA Request – 1 and 13.

With respect to Part 1, which is, “All records related to orders, directives, or communications directing EPA staff to remove the climate change webpage, and subsequent orders, directives, or communications directing EPA staff to “stand down” and not remove the climate change webpage (see Attachments A and B),” you agreed to the following clarification of your request:

Any memo, email or other document received by the Acting Associate Administrator for Public Affairs or the Senior Press Advisor for Public Affairs from 1/1/2017 to the present from any of the temporary employees who joined the Agency as part of

what is referred to as the “beachhead team” directing EPA staff to edit or not to edit the EPA.gov website. This portion of your request is limited to the memo, email or other document issued by the most senior career staff member of EPA in the Office of Public Affairs; you do not seek memos, emails, or other documents further disseminating this information throughout the Agency.

With respect to Part 13 of your request, which is, “Records received pursuant to EPA’s 2016 Information Collection Request for oil and gas operators and facilities,” I have reached out to our ICR staff for more information and will touch base with you about how the EPA will proceed when I learn more.

Thank you!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Clarke, Victoria

Sent: Friday, February 24, 2017 6:47 PM

To: 'Courtney Bernhardt' <cbernhardt@environmentalintegrity.org>

Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>

Subject: RE: EPA-HQ-2017-003325 [WARNING: SPF validation failed]

Hello Courtney!

I have been in and out of meetings all day, but wanted to let you know that I am in receipt of your emails and will be in touch with you next week to discuss their substance.

Thank you so much, and a great weekend to you too!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Courtney Bernhardt [<mailto:cbernhardt@environmentalintegrity.org>]

Sent: Friday, February 24, 2017 10:42 AM

To: Clarke, Victoria <clarke.victoria@epa.gov>

Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>

Subject: RE: EPA-HQ-2017-003325 [WARNING: SPF validation failed]

Victoria,

I've reviewed the Jan 19, 2017 snapshot and it looks like most of what we requested is available, except for the following:

1. Dynamic databases, including but not limited to data available through ECHO, IRIS assessments, GHGRP's FLIGHT tool, EJ Screen, ChemView, and the TRI. If you could provide written confirmation that all of the requested dynamic databases all still available online through EPA's current website, that would satisfy my request.

2. Pages with the root web addresses of cfpub.epa.gov, archive.epa.gov, Yosemite.epa.gov, cdxnodengn.epa.gov, and nepsis.epa.gov do not appear to have been part of the snapshot. Could you verify in writing that the data we requested that uses these addresses are still available online? If so, that would satisfy my request.

3. Item number 1 from my request (communications regarding the decision to remove the climate change webpage and then the decision not to remove the climate change webpage) and item number 13 (records received pursuant to EPA's 2016 Information Collection Request for oil and gas operators and facilities) are not for records that would be covered by the website snapshot. If you could provide me with a status update for these two requests, that would be great.

Thanks again for the extended deadline, and I hope you have a great weekend if I don't hear from you today.

Best,

Courtney Bernhardt

Senior Research Analyst

Environmental Integrity Project

1000 Vermont Ave. N.W. Suite 1100

Washington, DC 20005

Tel. (202) 263-4447

cbernhardt@environmentalintegrity.org

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Twitter: [@EIPOnline](https://twitter.com/EIPOnline)

Facebook: <https://www.facebook.com/EnvIntegrity/>

From: Clarke, Victoria [<mailto:clarke.victoria@epa.gov>]
Sent: Thursday, February 23, 2017 2:47 PM
To: Courtney Bernhardt <cbernhardt@environmentalintegrity.org>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>
Subject: RE: EPA-HQ-2017-003325

Ms. Bernhardt,

Thank you for speaking with me this afternoon. I understand that you need an extra day to review the EPA Snapshot Website and we agreed that you would let us know by COB Friday, February 24, 2017 if you were voluntarily withdrawing or further clarifying your FOIA request (EPA-HQ-2017-003325).

If we do not hear from you, we will consider your request as voluntarily withdrawn.

If you have any questions, please do not hesitate to reach out to me.

Thank you so much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Clarke, Victoria

Sent: Thursday, February 16, 2017 3:38 PM

To: 'cbernhardt@environmentalintegrity.org' <cbernhardt@environmentalintegrity.org>

Subject: EPA-HQ-2017-003325

Ms. Bernhardt,

Thank you for speaking with me this afternoon regarding your FOIA request pending with EPA. Immediately following the 2017 Presidential inauguration, the agency received numerous FOIA requests regarding historic versions of the EPA website. To respond to these requests for information, EPA has re-posted a snapshot of the EPA website as it existed on January 19, 2017.

- This action is similar to the web snapshot taken of the previous administration's WhiteHouse.gov site that is publically available on the National Archives and Records Administration's web site.
- The EPA snapshot (19January2017Snapshot@epa.gov) is now available on the current EPA web page in the footer, under "Discover," or from the "Frequently

Requested Information” portion of the FOIA page.

In light of the posting of the January 19, 2017 Web Snapshot, it appears as though the substance of your FOIA request has been addressed. However, given that the Snapshot has been posted recently, we would like to give you time to review the Snapshot. Please let us know by COB Wednesday, February 22, 2017 if you will be withdrawing your request, or if there are still any unaddressed items. If there are still any unaddressed items, we will need to clarify the scope of your request, including but not limited to identifying custodians, search terms, and ranges.

Thank you for your interest in this information. If you have any questions, please don't hesitate to call me at my number below, or email me.

Thank you very much!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

To: robert.faturechi@propublica.org[robert.faturechi@propublica.org]
Cc: Teplitzky, Andy[Teplitzky.Andy@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/27/2017 9:47:32 PM
Subject: FOIA Request EPA-HQ-2017-002769

Mr. Faturechi,

This email is in regards to your FOIA request with our agency, EPA-HQ-2017-002769, in which you seek “all communications between EPA officials in Region 6 and Scott Pruitt’s office since January 2012.”

As submitted, your request is improper, because it fails to reasonably describe the records sought as required by both the FOIA statute and the Agency’s regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should “include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . .” 40 C.F.R. § 2.102(c). “If EPA determines that your request does not reasonably describe the records, it will tell you either what additional information you need to provide or why your request is otherwise insufficient.” 40 C.F.R. § 2.102(c). Specifically, your request as submitted does not adequately specify the custodians of the records, nor does it identify the subject matter of those records.

EPA has reached out to Region 6 to assist you in identifying possible “officials” acting as records custodians, however, if there are specific “officials” in Region 6 whose records you want searched, please let us know the names of those individuals. Further, please provide us with the subject matters of the “communications” in Region 6, so that EPA can process your request.

Please contact us within 10 days of the date of this correspondence with your clarifications, otherwise we will consider your request voluntarily withdrawn.

Thank you for your interest in the EPA,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Ex. 6 - Personal Privacy
Cc: White, Candace[White.Candace@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/27/2017 5:24:01 PM
Subject: EPA FOIA Request EPA-HQ-2017-003219

Mr. Romer,

I am writing in regard to your FOIA Request EPA-HQ-2017-003219 in which you seek "All email, transcripts, notes, revisions, discussions of revisions, and other relevant documentation produced during any internal "vetting" of external EPA communications, in the process described by Senator Doug Ericksen." I tried to call you by telephone, but was unable to reach you.

As submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you very much,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Ex. 6 - Personal Privacy
Cc: Newton, Jonathan[Newton.Jonathan@epa.gov]
From: Clarke, Victoria
Sent: Mon 3/20/2017 4:00:40 PM
Subject: RE: EPA-HQ-2017-003107

Hello, Ms. Blake,

This email serves to confirm our telephone discussion this morning, where you said you were voluntarily withdrawing your FOIA request, EPA-HQ-2017-003107. We will administratively close your request on our end, so you do not need to do anything further.

Thank you very much,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: Clarke, Victoria
Sent: Tuesday, March 14, 2017 2:05 PM
To: Ex. 6 - Personal Privacy
Cc: Newton, Jonathan <Newton.Jonathan@epa.gov>
Subject: EPA-HQ-2017-003107

Hello, Ms. Blake!

Thank you very much for speaking with me regarding your pending FOIA request with our agency, EPA-HQ-2017-003107. As promised, this email serves to memorialize our discussion about clarifying your request.

You had requested “all orders from the President, any member of his cabinet, or other member of the executive who purports to have control over your agency, issued to your agency or any department or office within your agency or any subagency, since President Trump was inaugurated on Friday, January 20, 2017 through the date of this request.”

As we discussed, orders from the President can be found online at <https://www.whitehouse.gov/briefing-room/presidential-actions/executive-orders>.

For the remainder of your request, we can speak further this week about the types of records you are seeking. I may be teleworking tomorrow, and so can be reached on my cell phone at Ex. 6 - Personal Privacy I will be in the office on Thursday, and can be reached at 202-564-1149.

Thank you very much for your interest in the EPA!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

To: Scott Johnson[scott.johnson@arstechnica.com]
Cc: Siciliano, CarolAnn[Siciliano.CarolAnn@epa.gov]; Person, Linda[Person.Linda@epa.gov]
From: Clarke, Victoria
Sent: Fri 3/17/2017 2:32:32 PM
Subject: RE: EPA-HQ-2017-003843 [WARNING: SPF validation failed]

Hello, Mr. Johnson,

Thank you so much for speaking with me this morning about your FOIA Request. Based on our discussion, you have decided to voluntarily withdraw your FOIA request, EPA-HQ-2017-003843. We will administratively close it on our end, so you do not have to take any further steps.

As always, thank you so much for your interest in the EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: Scott Johnson [mailto:scott.johnson@arstechnica.com]
Sent: Friday, March 17, 2017 10:18 AM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Subject: Re: EPA-HQ-2017-003843 [WARNING: SPF validation failed]

Hi Victoria-

Thanks for contacting me. Let me know what you need from me and I'll figure it out.

Scott

On Fri, Mar 17, 2017 at 10:05 AM, Clarke, Victoria <clarke.victoria@epa.gov> wrote:

Mr. Johnson,

My name is Victoria Clarke, and I am attorney advisor at the Environmental Protection Agency's Office of General Counsel. I am writing in regard to your FOIA request with our agency, EPA-HQ-2017-003843, in which you seek, "Any memos or emails produced by EPA legal staff (including the Office of General Counsel) between January 20 and the present providing guidance on how EPA can operate so as to meet the requirements of the January 30, 2017 White House executive order titled "Reducing Regulation and Controlling Regulatory Costs."

You did not provide a telephone number at which you could be reached. Please contact me at [202-564-1149](tel:202-564-1149) or Clarke.victoria@epa.gov so that we can discuss your request.

Thank you very much,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

[202-564-1149](tel:202-564-1149)

To: russkick@gmail.com[russkick@gmail.com]
Cc: Teplitzky, Andy[Teplitzky.Andy@epa.gov]
From: Clarke, Victoria
Sent: Tue 3/14/2017 8:49:55 PM
Subject: EPA-HQ-2017-002767

Mr. Kick: I am writing in regard to your FOIA Request EPA-HQ-2017-002767 in which you seek “all correspondence, letters, emails, memos, and questionnaires between Carl Icahn (or anyone assisting him) and the leadership of the EPA. The date range for this request is November 9, 2016, to the present.”

Your request as submitted is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency’s regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should “include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . .” 40 C.F.R. § 2.102(c).

You did not provide a telephone number at which you could be contacted. Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

To: Ex. 6 - Personal Privacy
From: Clarke, Victoria
Sent: Tue 3/14/2017 4:16:24 PM
Subject: FOIA Request EPA-HQ-2017-003117

Mr. Anderson: I am writing in regard to your FOIA Request EPA-HQ-2017-003117 in which you seek "All records of meetings or conversations between Environmental Protection Agency officials regarding the incoming and current President Trump Administration. Specifically, I am looking for material from November 7, 2016 through present. These records include, but are not limited to, e-mails, memoranda, minutes, attendee lists, agendas, and directives issued."

Your request as submitted is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

You did not provide a telephone number at which you could be contacted. Please contact me at 202-564-1149 within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: derek.kravitz@propublica.org[derek.kravitz@propublica.org]
Cc: No, Fredrick[No.Fredrick@epa.gov]
From: Clarke, Victoria
Sent: Fri 3/10/2017 5:56:36 PM
Subject: RE: EPA FOIA Request EPA-HQ-2017-003719 and 003729

Hello, Mr. Kravitz!

This email serves to memorialize our conversation from yesterday, where we discussed your two pending FOIA requests with the EPA: EPA-HQ-2017-003719 and EPA-HQ-2017-003729.

EPA-HQ-2017-003719 sought: “all records concerning communications between any individuals affiliated with and/or employed by the EPA Office of the Administrator and any individuals affiliated with and/or employed by the Trump Organization, the Ivanka Trump apparel and accessories brand, the Kushner Companies and/or Observer Media from Nov. 7, 2016, to Feb. 1, 2017. Please consider any emails, letters, memorandums, text messages, voice and video recordings as well as other documented forms of communication between the EPA Office of the Administrator and the Trump Organization, the Ivanka Trump apparel and accessories brand, the Kushner Companies and/or Observer Media as responsive records to my request.” As we discussed, as submitted, your request is not a proper FOIA request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency’s regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c).

You have agreed to clarify this request to seek the following: Communications from Gina McCarthy, Stan Meiburg, Catherine McCabe, Mike Flynn, and Scott Pruitt that reference the Trump Organization, Ivanka Trump apparel and accessories brand, the Kushner Companies (which you explained has been renamed to “Kushner”), and/or Observer Media, from Nov. 7, 2016 to Feb. 1, 2017.

We also discussed **EPA-HQ-2017-003729**, which sought, “Appointees under Temporary Transition Schedule C (TTC) Authority and Temporary Transition SES Appointing Authorities (NC SES) hired between January 20, 2017 and present (the return of this request), as specified in this memo: <https://www.chcoc.gov/content/temporary-transition-schedule-c-authority-and-temporary-transition-senior-executive-service>.” You explained that you were looking for a list of the Beachhead Team, and were voluntarily withdrawing this request. As a result, we will administratively close this request and are

providing you with the names of the Beachhead Team members. The Beachhead Team members are the following:

1. Layne Bangerter
2. Don Benton
3. Patrick Davis
4. Doug Ericksen
5. Holly Greaves
6. John Konkus
7. David Kreutzer
8. Charles Munoz
9. Justin Schwab
10. David Schnare
11. George Sugiyama

Thank you very much for your cooperation and your interest in the EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: Clarke, Victoria
Sent: Monday, March 06, 2017 9:19 AM
To: 'derek.kravitz@propublica.org' <derek.kravitz@propublica.org>
Cc: No, Fredrick <No.Fredrick@epa.gov>
Subject: EPA FOIA Request EPA-HQ-2017-003719

Mr. Kravitz,

This email follows up on the voicemail message I left you last Friday. I was hoping to touch base with to clarify your FOIA request with our agency, in which you request, "all records concerning communications between any individuals affiliated with and/or employed by the EPA Office of the Administrator and any individuals affiliated with and/or employed by the Trump Organization, the Ivanka Trump apparel and accessories brand, the Kushner Companies and/or Observer Media from Nov. 7, 2016, to Feb. 1, 2017. Please consider any emails, letters, memorandums, text messages, voice and video recordings as well as other documented forms of communication between the EPA Office of the Administrator and the Trump Organization, the Ivanka Trump apparel and accessories brand, the Kushner Companies and/or Observer Media as responsive records to my request."

Your request as submitted is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn. I will be in and out of meetings most of the morning, but should be available all afternoon.

Thank you for your interest in EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: josullivan@seattletimes.com[josullivan@seattletimes.com]
Cc: Newton, Jonathan[Newton.Jonathan@epa.gov]
From: Clarke, Victoria
Sent: Fri 2/24/2017 6:34:30 PM
Subject: RE: EPA FOIA Request EPA-HQ-2017-003585

Mr. O'Sullivan,

Thank you so much for speaking with me this afternoon regarding your pending FOIA request with our office. Although the request as submitted was not proper, we were able to clarify your request so that we are now able to proceed with processing it.

Based on our discussion, you have agreed to clarify your request to the following: copies of all emails sent from or to Doug Ericksen, EPA transition team member, between Jan. 9, 2017 and Feb. 3, 2017 that contain the following search terms:

- "Region 10" or
- "Climate change" or
- "Washington" or
- "Water Policy" or
- "Legislature" or
- "Benton" or
- "Seattle Times" or
- "Olympia" or

EPA will begin processing your request as described above. If you have any questions, please don't hesitate to reach out to me.

Thank you so much,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: Clarke, Victoria

Sent: Friday, February 24, 2017 1:25 PM

To: 'josullivan@seattletimes.com' <josullivan@seattletimes.com>

Cc: Newton, Jonathan <Newton.Jonathan@epa.gov>

Subject: EPA FOIA Request EPA-HQ-2017-003585

Mr. O'Sullivan,

I am writing in regard to your FOIA Request, EPA-HQ-2017-003585, in which you seek, "copies of all emails sent from or to Doug Ericksen, EPA transition team member, between Jan. 9 2017, and Feb. 3, 2017."

Your request as submitted is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want.

The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

Please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

Thank you so much for your interest in the EPA.

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Ex. 6 - Personal Privacy
From: Clarke, Victoria
Sent: Thur 2/16/2017 10:27:45 PM
Subject: EPA-HQ-2017-003486

Dear Mr. Dailey,

EPA received and acknowledged your FOIA request, EPA-HQ-2017-003486, submitted on February 1, 2017 via FOIA Online.

Immediately following the 2017 Presidential inauguration, the agency received numerous FOIA requests regarding historic versions of the EPA website. To respond to these requests for information, EPA has re-posted a snapshot of the EPA website as it existed on January 19, 2017.

- This action is similar to the web snapshot taken of the previous administration's WhiteHouse.gov site that is publically available on the National Archives and Records Administration's web site.
- The EPA snapshot (19January2017Snapshot@epa.gov) is now available on the current EPA web page in the footer, under "Discover," or from the "Frequently Requested Information" portion of the FOIA page.

The information provided in the January 19, 2017 Web Snapshot may provide the information you seek. If it does not, as your request was submitted, it is not a proper request because it does not reasonably describe the records sought as required by both the FOIA statute and the Agency's regulations. See 5 U.S.C. § 552(a)(3)(A); 40 C.F.R. § 2.102(c). In order for us to process your request, you should "include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request. . ." 40 C.F.R. § 2.102(c).

If the January 19, 2017 Web Snapshot does not provide the information you seek,

please contact me within 10 days of the date of this correspondence so that we can assist in clarifying request. If we do not hear from you by that date, we will consider your request voluntarily withdrawn.

We hope this information is helpful to you and we appreciate your interest in EPA.

Thank you,

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

To: Prange, Jackie[jprange@nrdc.org]
Cc: Rementer, Nicole[rementer.nicole@epa.gov]
From: Clarke, Victoria
Sent: Tue 1/3/2017 2:27:57 PM
Subject: RE: FOIA Request EPA-HQ-2017-002298

Hi Jackie,

Thank you for the confirmation -- EPA will commence the search for responsive records, as described in our December 28th email to you.

Happy New Year,

Victoria

Victoria Clarke

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. |7312B WJCN

202-564-1149

From: Prange, Jackie [mailto:jprange@nrdc.org]
Sent: Wednesday, December 28, 2016 7:21 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: FOIA Request EPA-HQ-2017-002298

Please do the search you have described below. If Ms. Kenny says that there are others at EPA who have had contact with the transition/landing team, please search those documents as well. My concern is that Ms. Kenny was not on the list that was originally provided even though it seems like she almost certainly has relevant communications. So I just want to make sure there are not others who are also missing from the list.

Thanks,

Jackie

From: Clarke, Victoria [<mailto:clarke.victoria@epa.gov>]
Sent: Wednesday, December 28, 2016 11:31 AM
To: Prange, Jackie
Cc: Rementer, Nicole
Subject: RE: FOIA Request EPA-HQ-2017-002298

Ms. Prange,

As the Director of the EPA Transition Team, Shannon Kenny is the only individual authorized to communicate with the Landing Team and Ms. Kenny's records will be reviewed for responsive documents in conjunction with your request. However, given the nature of FOIA, there have been requests for searches of records other than Ms. Kenny's on the same subject, and we wished to extend those names that have been provided to us with you. Thus, in response to your FOIA request, we will include in our search the names you have provided, along with the individuals named in the previous two attachments, as well as Ms. Kenny.

If you concur with the scope of the Agency's search, please confirm by replying to this message, so that EPA can commence the search for responsive records for your request.

Thank you,

Victoria

Victoria Clarke

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Prange, Jackie [<mailto:jprange@nrdc.org>]
Sent: Wednesday, December 28, 2016 12:41 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: FOIA Request EPA-HQ-2017-002298

Victoria – In order to keep things moving, please search for records in the files of people listed in the two PDF lists you provided (attached), as well as the additional names below. However, as far as I can tell, EPA has not conducted any type of investigation about who at EPA may have communicated with the transition team and thus may have relevant documents. That seems like a relatively specific and straightforward question that could be investigated without much burden to the agency (by, for example, asking certain key staff if they know who is having communications with the transition team). If your position is that such a search cannot be conducted, can you explain why?

Curt Spalding

Judith A. Enck

Shawn M. Garvin

Heather McTeer Toney

Robert A. Kaplan

Ron Curry

Mark Hague

Shaun McGrath

Alexis Strauss

Dennis McLerran

Lilian Dorka

From: Clarke, Victoria [mailto:clarke.victoria@epa.gov]

Sent: Tuesday, December 27, 2016 1:31 PM

To: Prange, Jackie

Cc: Rementer, Nicole

Subject: RE: FOIA Request EPA-HQ-2017-002298

Ms. Prange,

Section 552 (a)(3)(C) mandates that in response to a request for records, the Agency “shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency’s automated information system.” See 5 U.S.C. § 552(a)(3)(C). To conduct a search of all Agency email accounts would significantly interfere with that system. In order to best serve the needs of our requester-customers, we try to work with them to narrow the scope of their requests, so they can access the information they seek in as timely, efficient, and thorough means as the Agency can without disruption to our automated systems.

As for the accuracy of the list attached to our initial December 23rd email, we do not make any claims about its accuracy. It is a list compiled by a requester who also seeks records about the EPA transition and provided it upon our request for specific EPA employees to include in our search. We believe it to be a reasonable representation of EPA Senior Leadership, but we do not assert that the list is comprehensive. We provided the list to you as a courtesy to hopefully accelerate the search process and avoid potentially unnecessary duplicative work by our requester-customers.

As another courtesy, we are providing another list of EPA employees compiled by a different requester seeking transition-related documents. For information about EPA leadership, please visit our website, <https://www.epa.gov/aboutepa/current-epa-leadership>. You can view information about Current EPA Leadership, as well as an EPA Organization Chart. If you would like some time to research the employees on the

lists to determine whether they adequately capture the breadth of employees you would like searched, by all means, we would like to provide you the opportunity to research so you can clarify the scope of the records you seek.

Please note, this FOIA request is tolled until we receive confirmation of the list of EPA employees you would like included in your search. Please respond within ten calendar days from the date of this email, or COB January 6, 2017. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn.

Please contact me or my colleague, Nicole Rementer at rementer.nicole@epa.gov, with your clarification, or I can be reached at 202.564.1149 if you would like to set up a time to further discuss your request.

Thank you and happy holidays,

Victoria

Victoria Clarke

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149

From: Prange, Jackie [<mailto:jprange@nrdc.org>]
Sent: Friday, December 23, 2016 1:19 PM
To: Clarke, Victoria <clarke.victoria@epa.gov>
Cc: Rementer, Nicole <rementer.nicole@epa.gov>
Subject: RE: FOIA Request EPA-HQ-2017-002298

Victoria – Can you provide any authority for the proposition that we need to name specific staff members in our request? Our concern is that the list you provided came from outside the agency (i.e., from another requester). Therefore, we do not know whether it is accurate. Can you confirm that it is indeed accurate? If not, can you provide a list of so-called “senior” staff that was generated by the agency? Also, are those the only staff members that are communicating with the transition team? Please let us know the best way to proceed to capture communications with the transition team.

Jackie Prange

Staff Attorney

Natural Resources

Defense Council

111 Sutter St., 21th floor

San Francisco, CA 94104

T 415.875.6184

F 415.875.6161

jprange@nrdc.org

NRDC.ORG

Please save paper.
Think before printing.

PRIVILEGE AND CONFIDENTIALITY NOTICE

This message may contain information that is privileged, confidential, and exempt from disclosure under law. If you believe you may have received this message in error, please notify me immediately by email and delete the original message.

From: Clarke, Victoria [<mailto:clarke.victoria@epa.gov>]
Sent: Friday, December 23, 2016 6:08 AM
To: Prange, Jackie
Cc: Rementer, Nicole
Subject: FOIA Request EPA-HQ-2017-002298

Good morning Ms. Prange,

EPA received and acknowledged your FOIA request (EPA-HQ-2017-002298) submitted electronically on December 22, 2016 via FOIAonline. We are reaching out to you to discuss clarifying your request.

EPA-HQ-2017-002298 is not reasonably described, as required by the FOIA statute. In order to process your request, we need you to identify the specific EPA employees whose records that “are, include, or reflect communications” with “any member of the transition team(s) of President-elect Donald Trump and/or Vice-president-elect Mike Pence” you need searched. To avoid any interruption in the processing of your request, we are providing to you a list of 77 EPA employees that represent EPA senior leadership. We received this list of employees from another requester seeking similar kinds of information. The list is attached to this email.

With respect to any email searches of the 77 individuals in the attached list, EPA would search for emails from the “ptt.gov” domain in the To, From, CC, BCC, Subject, or Body Fields to capture any email communications to/from the Transition Team.

Please review the attached list of EPA Employees and let us know by COB Wednesday, December 28 if you accept or reject the clarification of EPA-HQ-2017-002298.

If you have questions or concerns, or would like to discuss this matter, please feel free to email or call me at my contact information or below, or reach out to my colleague, Nicole Rementer, at Rementer.Nicole@epa.gov or 202-564-3692.

Thank you,

Victoria

Victoria Clarke

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7312B WJCN

202-564-1149



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

APR 18 2017

Mr. George Clark
Harvard University
P.O. Box 381006
Cambridge, MA 02238-1006

Re: Freedom of Information Act Request – EPA-HQ-2017-004296

Dear Mr. Clark:

This is in response to your request for a fee waiver in connection with your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), seeking emails dated from February 16, 2017 to the present, between Scott Pruitt and persons, groups or organizations using the listed internet domains, in your FOIA request letter.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA FOIA regulations explain:


“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.”
40 C.F.R. § 2.102(c)

Unfortunately, due to the lack of sufficient detailed information provided, we will not be able to process your request.

However, we would like to provide you the opportunity to clarify the records that you are seeking. This FOIA request is tolled until we receive your clarification or modification. Please respond to this request for clarification or modification within ten calendar days from the date of this letter. Once we receive your clarification or modification, we will continue processing your FOIA request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn.

Please provide us with your clarification at Gottesman.larry@epa.gov, or I can be reached at 202-566-1667 if you would like to set up a time to further discuss your request.

Sincerely



Larry F. Gottesman
Agency FOIA Officer

Request Type
FOIA

Status : Closed ; Appealed Due Date : N/A

Submitted Evaluation Assignment Processing Closed

Request Details

Tracking Number: EPA-HQ-2017-004279
Requester: Mr. Christopher Gresham
Organization: Quartz
Requester Has Account: Yes
Email Address: c@gz.com
Phone Number: Ex. 6 - Personal Privacy
Fax Number: N/A
Address: 675 Avenue of the Americas
Suite 410
City: New York
State/Province: NY
Zip Code/Postal Code: 10010

Submitted Date: 02/24/2017
Last Assigned Date: 02/27/2017
Fee Limit: \$0.00
Request Track: Simple
Due Date: N/A
Assigned To: Judith Lewis (Headquarters)
Last Assigned By: Judith Lewis (Headquarters)

Submission Details

Case File

Admin Cost

Assigned Tasks

Comments (2)

Review

Request Handling

Requester Info Available to Yes
Request Track: Simple
Fee Category: Media/Educational
Fee Waiver Requested: Yes
Fee Waiver Status: Withdrawn by Requester
Request Perfected: No
Acknowledgement Sent Date:
Unusual Circumstances?: No
Litigation: No
Expedited Processing Yes
Requested:
Expedited Processing Status: Withdrawn by Requester

Request Description

Short Description: I am writing to make a request under the Freedom of Information Act. I seek a list of correspondence between any EPA employee and any on the date of correspondence and the subject line. The body of the text of the emails is not required.
I am writing to make a request under the Freedom of Information Act. I seek a list of correspondence between any EPA employee and any on the date of correspondence and the subject line. The body of the text of the emails is not required.

Description Available to the Yes
Public:

Has Description Been No
Modified?

0/2000

Attached Supporting Files

No supporting files have been added.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

MAR - 1 2017

Mr. Christopher Groskopf
QUARTZ
675 Avenue of the Americas
Suite 410
New York, NY 10010

Re: Freedom of Information Act Request – EPA-HQ-2017-004279

Dear Mr. Groskopf:

This is in response to your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), seeking a list of correspondence between any EPA employee and any e-mail address with the domain "mchq.org", since November 9, 2016.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA FOIA regulations explain:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request."
40 C.F.R. § 2.102(c)

tunat

Unfortunately, due to the lack of sufficient detailed information provided, we will not be able to process your request.

However, we would like to provide you the opportunity to clarify the records that you are seeking. This FOIA request is tolled until we receive your clarification or modification. Please respond to this request for clarification or modification within ten calendar days from the date of this letter. Once we receive your clarification or modification, we will continue processing your

FOIA request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn.

Please provide us with your clarification at Gottesman.larry@epa.gov, or I can be reached at 202-566-1667 if you would like to set up a time to further discuss your request.

Sincerely,



Larry I. Gottesman
Agency FOIA Officer

Lewis, Judith

From: Gottesman, Larry
Sent: Wednesday, March 01, 2017 9:59 AM
To: Lewis, Judith
Subject: FW: Clarification for FOIA EPA-HQ-2017-004279

Let's do not a proper request letter.

Agency: Gottesman
DIA Officer

20: 566-2162 (Direct line)
20: 689-4588 (Mobile)

From: Christopher Groskopf [mailto:c@qz.com]
Sent: Wednesday, March 01, 2017 9:38 AM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: Clarification for FOIA EPA-HQ-2017-004279

Hello Mr Gottesman,

I'm following up on a FOIA request I sent last week. I would have called but I'm traveling today. Can you please clarify the nature of the issue with locating the records of emails sent from the domain "rnchq.org"?

Though I understand this is a broad request in terms of the number of recipients involved, it should be a straightforward exercise for your the EPA's IT department to query their email database by sender domain.

I look forward to working with you to make this work.

Best regards,
Chris

--

Christopher Ghyxfishf, reporter
Quartz | @or | +1 805 931 6699



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 1 2017

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Christopher Groskopf
Quartz
675 Avenue of the Americas
Suite 410
New York, NY 10010

Re: Freedom of Information Act Request – EPA-HQ-2017-004279

Dear Mr. Groskopf:

This is in response to your request under the Freedom of Information Act (FOIA), to the U.S. Environmental Protection Agency (EPA) seeking a list of correspondence between any EPA employee and any e-mail address with the domain "mchq.org", since November 9, 2016

Your request of February 24, 2017 did not reasonably describe the records you were seeking in a way that would permit EPA employees to identify and locate them. In a March 1, 2017 letter you were asked to clarify or modify the records you were seeking, with a response back to us by March 17, 2017. In your March 1, 2017 response back, you said that you felt that it would be a straightforward exercise for the EPA's IT Department to query their email database, and you provided no further clarification or modification.

Therefore, it has been determined that the description you provided in your response letter of March 1, 2017 was not sufficient enough to allow us to conduct a search for responsive records. Accordingly, we are administratively closing your FOIA request.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should

be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

Should you choose to appeal this determination, please be sure to fully address all factors required by EPA's FOIA Regulations, located at 40 C.F.R. § 2.107(1) in your appeal.

Sincerely,



Larry F. Gottesman
Agency FOIA Officer

Mr. Jarrod Sharp

Ex. 6 - Personal Privacy

RE: Request Number: EPA-HQ-2017-005241

Dear Mr. Sharp:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA) Freedom of Information Office on March 27, 2017 in which you are seeking any and all e-mails sent by HQ EPA personnel that include the text "Jarrod Sharp" sent and/or received since January 1, 2017 to present.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA's FOIA regulations explain:

"Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request." 40 C.F.R. § 2.102(c).

We would like to provide you the opportunity to clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter. Additionally, the FOIA does not require federal agencies to respond to questions so please consider that as you are modifying your request.

Please contact Cynthia Floyd-Coleman via email at floyd-coleman.cynthia@epa.gov with your clarification or I can be reached at 202-566-1667 if you have any questions concerning this letter. If we do not hear back from you by April 12, 2017, we will administratively close your request.

Sincerely,

Larry F. Gottesman
National FOIA Officer

To: Battle, Jernell[Battle.Jernell@epa.gov]; Gottesman, Larry[Gottesman.Larry@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]
Cc: Keene Kelderman[kkelderman@environmentalintegrity.org]; Eric Schaeffer[eschaeffer@environmentalintegrity.org]; jwalke@nrdc.org[jwalke@nrdc.org]
From: Mary Greene
Sent: Tue 1/3/2017 3:59:37 PM
Subject: urgent: improperly closed FOIA (EPA-HQ-2017-001504) [WARNING: SPF validation failed]
[12 15 16 Letter to EPA re Nov 21 2016 request.pdf](#)
[FOIA -- EPA-HQ-2017-001504 Eric Schaeffer re Administrative Closure Let....pdf](#)
[EIP SC NRDC EJ FOIA 11 21 2016 .docx](#)
[FOIA -- NOT A PROPER REQUEST -- EPA-HQ-2017-001504 of 11-21-2016 fr Eric....docx](#)

I am in receipt of Mr. Gottesman January 3, 2017 letter wherein he states the above-referenced FOIA request was administratively closed because EIP failed to timely respond to an undated letter Eric Schaeffer (EIP) received by email on December 15, 2016. Note that we responded to Mr. Gottesman directly on December 15 – please see the below email. Our response was timely submitted (same day). Although we will certainly appeal this improper closure determination if necessary, we remain hopeful that you will correct this error and proceed with properly processing what should be a straightforward FOIA.

I am also hoping that you or Mr. Gottesman have contacted – or will contact - OECA, as requested, to help with this enforcement-related FOIA. I have copied Susan Shinkman, Director of the Office of Civil Enforcement, on this email.

Last, please note that I have attached the following letters to this email for your convenience:

Nov. 21, 2016 FOIA request letter

Mr. Gottesman's undated letter (received by EIP by email on Dec. 15, 2016)

EIP's Dec. 15, 2016 response to Mr. Gottesman's undated letter

Mr. Gottesman's letter re administrative closure for failure to respond (dated today)

I would appreciate an immediate response regarding whether this FOIA is being reinstated and properly processed. Thank you in advance for your help in correcting this error. I can be reached by phone or email if you would like to discuss. Best,

Mary E. Greene

Deputy Director

Environmental Integrity Project

1000 Vermont Ave., N.W., Suite 1100

Washington, DC 20005

(202) 263-4449 (direct)

Ex. 6 - Personal Privacy (cell)

mgreene@environmentalintegrity.org

www.environmentalintegrity.org



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[Support our Cause](#)



From: Mary Greene

Sent: Thursday, December 15, 2016 11:05 AM

To: 'Gottesman.larry@epa.gov' <Gottesman.larry@epa.gov>

Cc: Keene Kelderman <kkelderman@environmentalintegrity.org>

Subject: Emailing - 12 15 16 Letter to EPA re Nov 21 2016 request.pdf

Mr. Gottesman,

Regarding your letter received by Eric Schaeffer today, please find attached our response (re FOIA # HQ-2017-001504). Best,

Mary E. Greene

Deputy Director

Environmental Integrity Project

1000 Vermont Ave., N.W., Suite 1100

Washington, DC 20005

(202) 263-4449 (direct)

Ex. 6 - Personal Privacy (cell)

mgreene@environmentalintegrity.org

www.environmentalintegrity.org



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

JAN - 3 2017

Mr. Eric Schaeffer
Environmental Integrity Project
1000 Vermont Avenue, NW
Suite 1100
Washington, D.C. 20005

Re: Freedom of Information Act Request – EPA-HQ-2017-001504

Dear Mr. Schaeffer:

This is in response to your request under the Freedom of Information Act (FOIA), to the U.S. Environmental Protection Agency (EPA) seeking e-mails and records from the Office of Enforcement and Compliance Assurance (OECA) and EPA Regions, pertaining to requests that seek to determine whether any person is in violation of applicable limits, standards or other applicable requirements as stated in the request letter.


Upon review of your request it was determined that your description was not sufficient enough to allow us to identify and locate the office or offices that would have responsive records. We asked that you provide a clarification by December 27, 2017. We did not receive any correspondence or clarification from you. Accordingly, we are unable to respond to your request and the file has been administratively closed.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only, or E-mail: hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number listed above. For

quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal".

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,


Larry F. Gottesman
National FOIA Officer

Mr. Eric Schaeffer
Environmental Integrity Project
1000 Vermont Ave., N.W.
Suite 1100
Washington, D.C. 20005

Re: Freedom of Information Act Request – EPA-HQ-2017-001504

Dear Mr. Schaeffer:

This is in response to your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA), seeking emails records from the Office of Enforcement and Compliance Assurance (OECA) and EPA Regions, pertaining to requests that seek to determine whether any person is in violation of applicable limits, standards or other applicable requirements as in the request letter. Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. The EPA FOIA regulations explain:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.”
40 C.F.R. § 2.102(c)

Unfortunately, due to the lack of sufficient detailed information provided, we will not be able to process your request.

However, we would like to provide you the opportunity to clarify the records that you are seeking. This FOIA request is tolled until we receive your clarification or modification. Please respond to this request for clarification or modification within ten calendar days from the date of this letter. Once we receive your clarification or modification, we will continue processing your

FOIA request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn.

Please contact me at Gottesman.larry@epa.gov, with your clarification or I can be reached at 202-566-1667 if you would like to set up a time to further discuss your request.

Sincerely,

Larry F. Gottesman
Agency FOIA Officer

1200 Pennsylvania Ave, NW
Washington, DC 20460

Robert R. Roberts
1200 Penn Ave, NW
Washington, DC 20460

November 1, 2016

Dear Robert R. Roberts,

Re: Freedom of Information Act Request No. EPA-HQ-2017-000896

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on [MONTH DAY, YEAR], in which you requested [INSERT directly what the FOIA request stated or accurately paraphrase description of requested records].

Option 1: On [DATE], the EPA's National Freedom of Information Office denied the fee waiver request that accompanied the FOIA request. Therefore, we are writing to provide you with an estimate for the cost of processing your latest request, and to seek assurance of payment before complying with the request.

Option 2: You were placed in the commercial fee category, which means you will be charged for search, review, and duplication costs in accordance with the Agency's regulations under 40 C.F.R. Part 2, Subpart A.

EPA has estimated that the aggregate cost to process your request as \$ XXX.00. This total is based on [X number] of staff members to search for, review, and duplicate responsive records, using the appropriate rates contained in 40 C.F.R. §2.107(c)(2)(i)(B). Pursuant to 40 C.F.R. §2.107(e), EPA requires written assurance of payment before processing the FOIA request when the estimated fees exceed \$25.00. Once your written assurance of payment is received, we will begin to process your FOIA request.

If the actual costs fall below the provided estimate, you will only be billed the actual cost amount. If we find that the provided estimate will be insufficient to cover actual costs, we will complete work up to the amount in the assurance of payment, provide you with an estimate of fees for the remainder of work, and seek assurance of payment before completing the remainder of work. If you would like to reduce the scope of your request to reduce fees, please contact me.

In estimating costs to process your FOIA requests, the EPA has interpreted your request for [EXPLAIN THE SCOPE OF THE REQUEST IF BROAD/NARROW]. If you wish to clarify your request to cover a [BROADER SCOPE/NARROWER SCOPE], the estimated costs will be [HIGHER/LOWER][.][IF BROADER: ", and EPA would need to receive further assurance of payment and would likely need additional time to process this request."]

Please respond to this letter with your payment assurance for the full amount, [\$XXX.00] within ten calendar days from the date of this letter.

You may email me at [EMAIL ADDRESS] with your response or contact me at [TELEPHONE] if you have any further questions. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. If you wish to request information connected to this request in the future, please reference the FOIA request number.

Sincerely,

Larry F. Gottesman
Headquarters

August 11, 2016

Ms. Amy Gaskins

Ex. 6 - Personal Privacy

Re: Freedom of Information Act Request No. EPA-HQ-2016-009284

Dear Ms. Gaskins:

This is in response to your Freedom of Information Act (FOIA) request to the U.S. Environmental Protection Agency (EPA) for any and all electronic communications from EPA staff, including appointees, involving the NOAA Big Data Project (also known as the Big Data Partnership, BDP, CRADA, etc.) from September 1, 2014 to the present.

Your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. For example, you have not identified any specific communications you would be interested in nor have you identified any specific EPA staff who may have received these communications.

EPA's FOIA regulations state:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. §2.102(c).

We would like to provide you the opportunity to clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. §2.102(c), please include any specific information about the records you seek, including time period, authors, or a more detailed description of the records' subject matter. Additionally, the FOIA does not require federal agencies to respond to questions so please consider that as you are modifying your request.

If we do not hear from you by August 18th, we will administratively close your request.

page 2

Please contact Linda F. Person at person.linda@epa.gov with your clarification. If you have any questions, please contact me at (202) 566-1667.

Sincerely,

Larry F. Gottesman
National FOIA Officer

Ms. Stephanie Steinmetz

Ex. 6 - Personal Privacy

RE: Request Number: EPA-HQ-2017-003138

Dear Ms. Steinmetz:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA) on January 24, 2017 in which your request description says "I demand that the public has the right to know information about the EPA. Trump's ban on EPA employees from sharing information through social media is absolutely terrifying and absurd."

Thank you for letter, but your letter is not a proper FOIA request, accordingly we are administratively closing your request.

Since you did not submit a proper FOIA request, your fee waiver request is moot, and accordingly we are administratively closing your request for a fee waiver.

You may appeal this determination to the National Freedom of Information Office, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90 calendar day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of the email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from the EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; e-mail, ogis@nara.gov; telephone, 301-837-1996 or 1-877-684-6448; and facsimile, 301-837-0348.

Sincerely,

Larry F. Gottesman
National FOIA Officer

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Timothy A. McKeever
Sent: Wed 9/21/2016 11:42:07 PM
Subject: Re: FOIA Request EPA-R10-2016-008731

10:15 will work. I will call you

Sent from my iPhone

On Sep 21, 2016, at 4:27 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

I can make 9:30 work if 10:15 doesn't work for you.

Thanks,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley
Sent: Wednesday, September 21, 2016 12:54 PM
To: 'Timothy A. McKeever' <Tmckeever@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Does 10:15 work? Thanks.

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Wednesday, September 21, 2016 12:46 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Re: FOIA Request EPA-R10-2016-008731

Tomorrow would work for me. Can I call you at about 9:30? If not please suggest another time.

Sent from my iPhone

On Sep 21, 2016, at 12:25 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

EPA has been working on this FOIA and is ready to discuss next steps. Do you have some time to chat with me? I'm pretty booked this afternoon but have a lot of availability tomorrow.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Friday, September 16, 2016 12:10 PM

To: 'Timothy A. McKeever' <Tmckeever@hwb-law.com>

Cc: 'Stacey C. Stone' <SStone@hwb-law.com>; 'Tina M. Hardwick' <Thardwick@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

I just wanted to provide you with a quick update. We are continuing to work on this and expect to be able to provide you with an initial fee estimate and additional information early next week.

Have a good weekend.

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Wednesday, September 07, 2016 3:45 PM

To: Timothy A. McKeever <Tmckeever@hwb-law.com>

Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Thank you for your email. I apologize for the delayed response, but the Agency has been working on this. We ran a search within the documents for the keywords you listed below and the initial search returned approximately 6,500 documents, which is a substantial reduction. We are currently working to ensure that this is a full and accurate count. Once we have done so, I will be in touch with a fee estimate and a request for an assurance of payment. Please feel free to get in touch if you have questions.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]
Sent: Wednesday, September 07, 2016 1:59 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

Below is another copy of a modification of the above FOIA request. I had not gotten any acknowledgement that you received the original and so I am sending this again.

Please let me know if you have any questions.

From: Timothy A. McKeever
Sent: Tuesday, August 30, 2016 3:21 PM
To: 'Palomaki, Ashley'
Cc: Stacey C. Stone; Tina M. Hardwick
Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

We hereby request that our pending FOIA request (as shown above) be

modified so that we obtain those documents responsive to the original request which include any of the following key words and phrases:

“Lake Clark Air”

LCA

Tanalian

“The Farm Lodge”

Farm

“E & M Enterprises”

“E & M”

“E&M”

Grams

“Grams Café & B&B”

“Iliamna Development Corporation”

IDC

“Iliamna Natives Limited”

INL

Anglo

“Defend Your Rights”

DYR

SOS

Greg Anelon

“Jade North”

“Lake and Peninsula Borough”

“L&P”

“L & P”

LP

“Lake and Peninsula School District”

“School District”

Borough

LPBSD

“Lake and Pen”

Myrtle Anelon

Anelon

Nuna

“Truth About Pebble”

TAP

Glen Alsworth

Alsworth

“Lake and Peninsula Airlines”

LPA

“Lorene Anelon”

Lorene

Glen

Our request for modification is based on the understanding that our original request would have involved many thousands of pages and costs of many

thousands of dollars. It is our hope that the modified request will reduce the cost substantially. Our modification assumes that asking that the documents produced be limited to the above key words or phrases, the response to our request can be done for much less cost. Please advise me if that is not correct.

I understand that the EPA staff will initially determine the cost of searching using the more limited scope and will advise us of the projected cost of that search and seek payment assurance. Then you will review the more limited set of documents to determine what is not subject to the confidentiality provisions of the protective order and then you would produce those documents while advising us of the number of pages or documents which were responsive but which you feel cannot be produced due to the protective order.

Please let me know if my understanding of any of the above is incorrect.

Thank you.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Monday, August 29, 2016 10:43 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

I'm just following up to see if you and your clients have made any decisions about the FOIA referenced in the subject line.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Monday, August 15, 2016 8:11 AM

To: Timothy A. McKeever <Tmckeever@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Tim,

Answers to your questions are below.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Friday, August 12, 2016 12:05 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: RE: FOIA Request EPA-R10-2016-008731

Follow up questions—if we decide to narrow our request could we get another rough estimate of the cost of the narrowed request?

Yes – The government would not proceed without providing you an estimate for search and review and then getting a fee assurance from you.

Would we have to start all over with a narrowed request or would we simply proceed on this pending request as narrowed.

You would not have to start all over with a narrowed request. When and if you narrow the request, I would follow up with a letter confirming the new scope of the request. That letter would be uploaded to FOIAonline so that the new scope is documented.

Once you process a narrowed request would you normally tell us how many pages or documents have been identified as responsive? And in this case would you be in a position to tell us how many of the responsive documents are marked ‘confidential’ and how many are not?

Yes – For a “normal” FOIA, all responsive documents are accounted for. They are accounted for because they are released in full or in part to the requester or documented on a privilege log if they are withheld in full. Here, the government would provide the number of documents stamped confidential that it is unable to release because of the second amended protective order. Documents that have not been stamped confidential would be accounted for because they would either be released to you in full or in part or documented on a privilege log if they are withheld in full due to an applicable FOIA exemption.

This would help us decide how to proceed.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Friday, August 12, 2016 11:27 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Per our conversation this morning, a copy of the second amended protective order is attached.

Best,

Ashley

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]
Sent: Thursday, August 11, 2016 4:56 PM
To: Palomaki, Ashley
Subject: Re: FOIA Request EPA-R10-2016-008731

Would 9:30 Seattle time work?

Sent from my iPhone

On Aug 11, 2016, at 2:46 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

DOJ and I are available at 12pm eastern (9 am pacific) tomorrow. Are you in Seattle or Anchorage? This is a little early Anchorage time. If this does not work for you, just let me know, and we will schedule another time.

Once we have a time scheduled, I will send a conference line around.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Thursday, August 11, 2016 2:20 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Re: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

I am happy to meet with you to discuss this issue. I could do it tomorrow, or Monday or Tuesday of next week or anytime after August 25th. Please let me know what work for you and the DOJ atty.

Sent from my iPhone

On Aug 11, 2016, at 12:44 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

The EPA has received your FOIA request, which seeks the following:

Copies of all documents produced by Pebble Limited Partnership and/or its parent company, Northern Dynasty Minerals Ltd. and/or any other entity, to the US Environmental Protection Agency and/or the US Department of Justice in response to Requests for Production 19-21, 23, 25-26 in Defendants' First Set of Requests for Production of Documents at 6, Exhibit 1, Defendants' Motion to Compel [etc.], Docket No. 209, in the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH in the United States District Court for the District of Alaska. This request extends to all records or documents produced in response to the Order dated May 5, 2016 relating to the Motion to Compel in that case.(attached) The documents sought are those documents discussed in the paragraph beginning on page 10 of the attached Order which are ordered to be produced on pages 11 and 12 of the same.

I would like to set a time to discuss this request with you and a Department of Justice attorney that works on the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH. We would like to better understand your request, see if you would like to narrow your request in light of the fee waiver denial or for any other reason, and to explain the potential implications of the amended protective order and other possible FOIA exemptions to your request.

The processing clock is stopped for your FOIA request until we receive your clarification or modification.

Please respond within ten calendar days from the date of this letter to arrange a time to discuss your request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. Once the request is clarified and we receive a written assurance

of payment for the full processing amount, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

I look forward to hearing from you.

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

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To: Timothy A. McKeever[Tmckeever@hwb-law.com]
From: Palomaki, Ashley
Sent: Fri 8/12/2016 2:41:45 PM
Subject: RE: FOIA Request EPA-R10-2016-008731

That works for us. I'll send around a call in number now.

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [mailto:Tmckeever@hwb-law.com]
Sent: Thursday, August 11, 2016 4:56 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Re: FOIA Request EPA-R10-2016-008731

Would 9:30 Seattle time work?

Sent from my iPhone

On Aug 11, 2016, at 2:46 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

DOJ and I are available at 12pm eastern (9 am pacific) tomorrow. Are you in Seattle or Anchorage? This is a little early Anchorage time. If this does not work for you, just let me know, and we will schedule another time.

Once we have a time scheduled, I will send a conference line around.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Thursday, August 11, 2016 2:20 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Re: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

I am happy to meet with you to discuss this issue. I could do it tomorrow, or Monday or Tuesday of next week or anytime after August 25th. Please let me know what work for you and the DOJ atty.

Sent from my iPhone

On Aug 11, 2016, at 12:44 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

The EPA has received your FOIA request, which seeks the following:

Copies of all documents produced by Pebble Limited Partnership and/or its parent company, Northern Dynasty Minerals Ltd. and/or any other entity, to the US Environmental Protection Agency and/or the US Department of Justice in response to Requests for Production 19-21, 23, 25-26 in Defendants' First Set of Requests for Production of Documents at 6, Exhibit 1, Defendants' Motion to Compel [etc.], Docket No. 209, in the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH in the United States District Court for the District of Alaska. This request extends to all records or documents produced in response to the Order dated May 5, 2016 relating to the Motion to Compel in that case.(attached) The documents sought are those documents discussed in the paragraph beginning on page 10 of the attached Order which are ordered to be produced on pages 11 and 12 of the same.

I would like to set a time to discuss this request with you and a Department of Justice attorney that works on the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH. We would like to better understand your request, see if you would like to narrow your request in light of the fee waiver denial or for any other reason, and to explain the potential implications of the amended protective order and other possible FOIA exemptions to your request.

The processing clock is stopped for your FOIA request until we receive your clarification or modification.

Please respond within ten calendar days from the date of this letter to arrange a time to discuss your request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. Once the request is clarified and we receive a written assurance of payment for the full processing amount, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

I look forward to hearing from you.

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

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To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Walker, Denise[Walker.Denise@epa.gov]
From: Kiekow Heimer, Taryn
Sent: Thur 4/13/2017 8:08:50 PM
Subject: RE: EPA-R10-2017-004880 -- Call now

Hi Ashley and Denise,

I'm just checking in to see whether we're still chatting today at 1 PT/4 ET? My calendar invite says Denise will initiate the call, but please let me know if I should be dialing in somewhere. Thanks.

Cheers,

Taryn

From: Kiekow Heimer, Taryn
Sent: Thursday, April 06, 2017 1:03 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Subject: RE: EPA-R10-2017-004880 -- Call now

Hi Ashley and Denise,

Looking forward to talking soon. Should my cell phone (Ex. 6 - Personal Privacy) disconnect, please use the following landline number: Ex. 6 - Personal Privacy Thanks!

From: Palomaki, Ashley [mailto:Palomaki.Ashley@epa.gov]
Sent: Wednesday, March 22, 2017 4:29 PM
To: Kiekow Heimer, Taryn
Cc: Kelly, Lynn; Walker, Denise; Young, Margo
Subject: RE: EPA-R10-2017-004880

Hi Taryn,

Thanks for the quick response. Please call me Ashley as well! Denise Walker (from our FOIA Expert Assistance Team) and I will be on the call. It looks like we are both available at 9am on Monday if that still works for you. I can call you and then add Denise. Is this the correct

number? T 310.434.2323

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Kiekow Heimer, Taryn [<mailto:tkiekowheimer@nrdc.org>]

Sent: Wednesday, March 22, 2017 3:19 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Young, Margo <Young.Margo@epa.gov>

Subject: RE: EPA-R10-2017-004880

Dear Ms. Palomaki,

Thank you for following up. I would be happy to have a call to clarify the records I'm seeking. Here are some dates/times that work on my end:

1. Thursday, March 23 – 9 am PT
2. Thursday, March 23 – 10 am PT
3. Thursday, March 23 – 2 pm PT

4. Thursday, March 23 – 3 pm PT
5. Monday, March 27 – 9 am PT
6. Monday, March 27 – 1 pm PT
7. Monday, March 27 – 2 pm PT
8. Tuesday, March 28 – 9 am PT

Please let me know if any of those dates/times work for you. Thank you!

Best,

Taryn

PS – Please call me Taryn!

Taryn Kiekow Heimer

Senior Policy Analyst

Natural Resources Defense Council

1314 Second Street

Santa Monica, CA 90401

T 310.434.2323

F 310.434.2399

M { Ex. 6 - Personal Privacy }

tkiekowheimer@nrdc.org

NRDC.ORG

Please save paper.
Think before printing.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Wednesday, March 22, 2017 3:09 PM
To: Kiekow Heimer, Taryn
Cc: Kelly, Lynn; Walker, Denise; Young, Margo
Subject: EPA-R10-2017-004880

Dear Ms. Heimer:

This email concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency on March 14, 2017, in which you requested several categories of documents that were collectively described as:

“In sum, NRDC requests any and all records related to settling, rescinding and/or withdrawing either the Proposed Determination or Watershed Assessment made after November 8, 2016.”

Parts of your request do not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them, as required by 40 C.F.R. § 2.102(c).

EPA’s FOIA regulations state:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. § 2.102(c).

I would like to discuss the request with you to clarify the request and better understand the records you are seeking.

Please respond within ten calendar days from the date of this email to arrange a time to discuss your request. Please suggest some times that will work for you. If we do not receive a response from you within ten calendar days, we will consider your request to be voluntarily withdrawn. Once the request is clarified, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

Sincerely,

Ashley Palomaki

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
Cc: Kelly, Lynn[Kelly.Lynn@epa.gov]; Walker, Denise[Walker.Denise@epa.gov]; Young, Margo[Young.Margo@epa.gov]
From: Kiekow Heimer, Taryn
Sent: Wed 3/22/2017 11:32:49 PM
Subject: RE: EPA-R10-2017-004880

Super! Looking forward to speaking with you and Denise Walker at 9 am on Monday. Please use my cell: [Ex. 6 - Personal Privacy] Thank you and have a great weekend!

Best,

Taryn

Taryn Kiekow Heimer

Senior Policy Analyst

Natural Resources Defense Council

1314 Second Street

Santa Monica, CA 90401

T 310.434.2323

F 310.434.2399

M [Ex. 6 - Personal Privacy]

tkiekowheimer@nrdc.org

NRDC.ORG

Please save paper.
Think before printing.

From: Palomaki, Ashley [mailto:Palomaki.Ashley@epa.gov]
Sent: Wednesday, March 22, 2017 4:29 PM
To: Kiekow Heimer, Taryn
Cc: Kelly, Lynn; Walker, Denise; Young, Margo
Subject: RE: EPA-R10-2017-004880

Hi Taryn,

Thanks for the quick response. Please call me Ashley as well! Denise Walker (from our FOIA Expert Assistance Team) and I will be on the call. It looks like we are both available at 9am on Monday if that still works for you. I can call you and then add Denise. Is this the correct number? T 310.434.2323

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Kiekow Heimer, Taryn [<mailto:tkiekowheimer@nrdc.org>]

Sent: Wednesday, March 22, 2017 3:19 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Kelly, Lynn <Kelly.Lynn@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Young, Margo <Young.Margo@epa.gov>

Subject: RE: EPA-R10-2017-004880

Dear Ms. Palomaki,

Thank you for following up. I would be happy to have a call to clarify the records I'm seeking. Here are some dates/times that work on my end:

1. Thursday, March 23 – 9 am PT
2. Thursday, March 23 – 10 am PT
3. Thursday, March 23 – 2 pm PT
4. Thursday, March 23 – 3 pm PT
5. Monday, March 27 – 9 am PT
6. Monday, March 27 – 1 pm PT
7. Monday, March 27 – 2 pm PT
8. Tuesday, March 28 – 9 am PT

Please let me know if any of those dates/times work for you. Thank you!

Best,

Taryn

PS – Please call me Taryn!

Taryn Kiekow Heimer

Senior Policy Analyst

Natural Resources Defense Council

1314 Second Street

Santa Monica, CA 90401

T 310.434.2323
F 310.434.2399

M Ex. 6 - Personal Privacy
tkiekowheimer@nrdc.org
NRDC.ORG

Please save paper.
Think before printing.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Wednesday, March 22, 2017 3:09 PM
To: Kiekow Heimer, Taryn
Cc: Kelly, Lynn; Walker, Denise; Young, Margo
Subject: EPA-R10-2017-004880

Dear Ms. Heimer:

This email concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency on March 14, 2017, in which you requested several categories of documents that were collectively described as:

“In sum, NRDC requests any and all records related to settling, rescinding and/or withdrawing either the Proposed Determination or Watershed Assessment made after November 8, 2016.”

Parts of your request do not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them, as required by 40 C.F.R. § 2.102(c).

EPA’s FOIA regulations state:

“Whenever possible, your request should include specific information about each record sought,

such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. § 2.102(c).

I would like to discuss the request with you to clarify the request and better understand the records you are seeking.

Please respond within ten calendar days from the date of this email to arrange a time to discuss your request. Please suggest some times that will work for you. If we do not receive a response from you within ten calendar days, we will consider your request to be voluntarily withdrawn. Once the request is clarified, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

Sincerely,

Ashley Palomaki

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

To: stromp@telus.net[stromp@telus.net]
From: Palomaki, Ashley
Sent: Wed 8/17/2016 5:57:32 PM
Subject: FOIA Request: EPA-R10-2016-007713

Dear Mr. Tromp:

This email concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA or Agency) on June 9, 2016, in which you requested:

“Please send me your internal, unpublished records – since Jan. 1, 2014 - of the environmental and health impacts of industrial projects in British Columbia. e.g., LNG, mining, oil pipelines and tankers, fracking – their effects on water, air, fish, global warming, spills, etc. (You have sent me such a record before.)”

As written, your request does not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them. I would like to discuss the names of the projects you are interested in and the types of documents you are looking for. In addition, while your request indicates that you previously received similar documents, I have not been able to locate a prior request from you that is as broad as the current request.

EPA’s FOIA regulations state:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. § 2.102(c).

We would like to provide you the opportunity to discuss the request with us and clarify the records that you are seeking so that EPA can process your request. As indicated in 40 C.F.R. § 2.102(c), please include or be prepared to discuss any specific information about the records you seek, including time period, authors, or a more detailed description of the records’ subject matter.

Please respond within ten calendar days from the date of this email to arrange a time to discuss your request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. Once the request is clarified, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion. If you wish to request information connected to this request in the future, please reference the FOIA request number.

Sincerely,

Ashley Palomaki

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

To: Kevin Bogardus[kbogardus@eenews.net]
From: Palomaki, Ashley
Sent: Tue 5/23/2017 9:18:49 PM
Subject: RE: EPA-R10-2017-007268

Hi Kevin –

Wanted to let you know that I have confirmed with our FOIA coordinator that you are in the media category and as a result, you will only be charged duplication costs, if any.

Will respond again once we have a list of custodians identified.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Kevin Bogardus [mailto:kbogardus@eenews.net]
Sent: Tuesday, May 23, 2017 11:48 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: EPA-R10-2017-007268

Thanks Ashley. I will give you a call at 1:30 pm Pacific. Thanks again.

-Kevin

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Tuesday, May 23, 2017 11:34 AM
To: Kevin Bogardus <kbogardus@eenews.net>
Subject: RE: EPA-R10-2017-007268

Hi Kevin,

Thanks for your email and voicemail yesterday.

I am available during the following times (all pacific):

Today (Tuesday 5/23): 10-11:30; 1:30-4

5/24: 9-10; 2:30-3:30

5/25: 9-1:30

Let me know what works for you.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Kevin Bogardus [<mailto:kbogardus@eenews.net>]

Sent: Monday, May 22, 2017 1:01 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: RE: EPA-R10-2017-007268

Thank you for the email, Ashley. I'm happy to discuss my request in order to clarify it. Please email me here or call my office phone at 202-446-0401. Thank you again for your help.

-Kevin

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]

Sent: Tuesday, May 16, 2017 7:20 PM

To: Kevin Bogardus <kbogardus@eenews.net>

Subject: EPA-R10-2017-007268

Dear Mr. Bogardus:

This email concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency on May 12, 2017, in which you requested:

“I request all communication records related to the creation of EPA's May 12, 2017 press release entitled "EPA and Pebble Limited Partnership Reach Settlement Agreement." Please click on this link for more detail on this press release (<https://www.epa.gov/newsreleases/epa-and-pebble-limited-partnership-reach-settlement-agreement>). Please consider any emails, letters, memorandums, text messages, voice and video recordings as well as other documented forms of communication -- including but not limited to records sent and from any individual employed and/or affiliated with Northern Dynasty Minerals, Ltd. and/or Pebble Limited Partnership -- related to the creation of this press release as responsive records to my request.”

Parts of your request do not reasonably describe the records you are seeking in a way that will permit EPA employees to identify and locate them, as required by 40 C.F.R. § 2.102(c).

EPA’s FOIA regulations state:

“Whenever possible, your request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter. If known, you should include any file designations or descriptions for the records that you want. The more specific you are about the records or type of records that you want, the more likely EPA will be able to identify and locate records responsive to your request.” 40 C.F.R. § 2.102(c).

I would like to discuss the request with you to clarify the request and better understand the records you are seeking.

Please respond within ten calendar days from the date of this email to arrange a time to discuss your request. Please suggest some times that will work for you. If we do not receive a response from you within ten calendar days, we will consider your request to be voluntarily withdrawn. Once the request is clarified, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

Sincerely,

Ashley Palomaki

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

To: Timothy A. McKeever[Tmckeever@hwb-law.com]
From: Palomaki, Ashley
Sent: Wed 10/12/2016 11:22:14 PM
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever –

80 of the documents that we recently processed contain the search terms you identified and are not stamped confidential and are therefore responsive to your FOIA request, as modified. In total, we will be referring 4,271 documents to the Department of Justice. I am working on a final letter to you and a referral letter to DOJ, both of which should be finished within the next couple of days.

Please let me know if you have any questions.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley
Sent: Tuesday, October 11, 2016 4:42 PM
To: 'Timothy A. McKeever' <Tmckeever@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever –

Thank you for your email. We got the approximately 170 docs processed so that they are text searchable. I should have an update tomorrow as to how many of them hit on the key words and are not stamped confidential. We are also preparing the referral letters.

I will let you know if I have any questions.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Wednesday, October 05, 2016 1:54 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Tina M. Hardwick <Thardwick@hwb-law.com>; Stacey C. Stone <SStone@hwb-law.com>; Lindsey Martin <LMartin@hwb-law.com>; Shaunalee Nichols <SNichols@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

I wanted to follow up on our conversation on September 22 concerning the above request.

It is our understanding that upon completion of the key word search we submitted, approximately 6500 documents have been identified as containing those key words. Of that total about 2300 are marked 'confidential' pursuant to the protective order in the Pebble v. EPA case and therefore cannot be produced. The remaining approximately 4191 records are not marked confidential.

If we maintained our original search request, the EPA would want to conduct a further review to determine if the 4191 document are responsive to our original request. That additional review would cost about \$3300. Upon completion of that review the EPA would refer the request and the documents to the Dept. of Justice for its review as the 'source' agency. However if we modify our original request that second review by the EPA would not be necessary but the DOJ review would still be required.

In addition not all the original records were text readable. EPA has identified 170 documents or so which are not and would charge \$35 to convert those to text readable and to scan them to see if they are responsive to our key word search.

We have considered the options and would like to to do the following

a) Please amend our initial request and substitute the key word list we sent in place of the original request i.e. we no longer wish to get all records produced to EPA/DOJ which were provided by Pebble in response to Judge Holland's order—we simply want all records from the materials produced by Pebble which contain the key words listed in our key word limitation request. We understand that this modification would result in about 4191 documents being found responsive and will eliminate the need for further

review by the EPA to determine if these documents are responsive to our initial broad request.

b) In addition we request that EPA render the approximately 170 documents identified as possibly responsive to our key word search but which are not text scannable into a scannable format and to scan them using the key words to determine if any of those documents are responsive to our amended key word request and if so to produce them. We understand this cost will be about \$35.00.

c) We further understand that when the EPA has completed its review of the 170 documents all documents covered by our amended narrowed request must be reviewed by the Department of Justice to make sure they do not contain other confidential information not covered by the EPA-Pebble protective order.

Hopefully the above is clear enough to allow the EPA to finish up with the 170 documents and refer the documents to the DOJ for its final review. If you need further clarification please let me know.

Thank you.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Thursday, September 22, 2016 9:08 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Sounds great. Talk to you then.

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]
Sent: Thursday, September 22, 2016 9:08 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Re: FOIA Request EPA-R10-2016-008731

to confirm i will call you at 10:15 today.

Sent from my iPad

On Sep 21, 2016, at 4:27 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

I can make 9:30 work if 10:15 doesn't work for you.

Thanks,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley
Sent: Wednesday, September 21, 2016 12:54 PM
To: 'Timothy A. McKeever' <Tmckeever@hwb-law.com>
Subject: RE: FOIA Request EPA-R10-2016-008731

Does 10:15 work? Thanks.

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Wednesday, September 21, 2016 12:46 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Re: FOIA Request EPA-R10-2016-008731

Tomorrow would work for me. Can I call you at about 9:30? If not please suggest another time.

Sent from my iPhone

On Sep 21, 2016, at 12:25 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

EPA has been working on this FOIA and is ready to discuss next steps. Do you have some time to chat with me? I'm pretty booked this afternoon but have a lot of availability tomorrow.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Friday, September 16, 2016 12:10 PM

To: 'Timothy A. McKeever' <Tmckeever@hwb-law.com>

Cc: 'Stacey C. Stone' <SStone@hwb-law.com>; 'Tina M. Hardwick' <Thardwick@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

I just wanted to provide you with a quick update. We are continuing to work on this and expect to be able to provide you with an initial fee estimate and additional information early next week.

Have a good weekend.

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Wednesday, September 07, 2016 3:45 PM

To: Timothy A. McKeever <Tmckeever@hwb-law.com>

Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Thank you for your email. I apologize for the delayed response, but the Agency has been working on this. We ran a search within the documents for the keywords you listed below and the initial search returned approximately 6,500 documents, which is a substantial reduction. We are currently working to ensure that this is a full and accurate count. Once we have done so, I will be in touch with a fee estimate and a request for an assurance of payment. Please feel free to get in touch if you have questions.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Wednesday, September 07, 2016 1:59 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Cc: Stacey C. Stone <SStone@hwb-law.com>; Tina M. Hardwick <Thardwick@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

Below is another copy of a modification of the above FOIA request. I had not gotten any acknowledgement that you received the original and so I am sending this again.

Please let me know if you have any questions.

From: Timothy A. McKeever

Sent: Tuesday, August 30, 2016 3:21 PM

To: 'Palomaki, Ashley'

Cc: Stacey C. Stone; Tina M. Hardwick

Subject: RE: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

We hereby request that our pending FOIA request (as shown above) be modified so that we obtain those documents responsive to the original request which include any of the following key words and phrases:

"Lake Clark Air"

LCA

Tanalian

"The Farm Lodge"

Farm

"E & M Enterprises"

"E & M"

"E&M"

Grams

"Grams Café & B&B"

"Iliamna Development Corporation"

IDC

"Iliamna Natives Limited"

INL

Anglo

"Defend Your Rights"

DYR

SOS

Greg Anelon

“Jade North”

“Lake and Peninsula Borough”

“L&P”

“L & P”

LP

“Lake and Peninsula School District”

“School District”

Borough

LPBSD

“Lake and Pen”

Myrtle Anelon

Anelon

Nuna

“Truth About Pebble”

TAP

Glen Alsworth

Alsworth

“Lake and Peninsula Airlines”

LPA

“Lorene Anelon”

Lorene

Glen

Our request for modification is based on the understanding that our original request would have involved many thousands of pages and costs of many thousands of dollars. It is our hope that the modified request will reduce the cost substantially. Our modification assumes that asking that the documents produced be limited to the above key words or phrases, the response to our request can be done for much less cost. Please advise me if that is not correct.

I understand that the EPA staff will initially determine the cost of searching using the more limited scope and will advise us of the projected cost of that search and seek payment assurance. Then you will review the more limited set of documents to determine what is not subject to the confidentiality provisions of the protective order and then you would produce those documents while advising us of the number of pages or documents which were responsive but which you feel cannot be produced due to the protective order.

Please let me know if my understanding of any of the above is incorrect.

Thank you.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Monday, August 29, 2016 10:43 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

I'm just following up to see if you and your clients have made any decisions about the FOIA referenced in the subject line.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Palomaki, Ashley

Sent: Monday, August 15, 2016 8:11 AM

To: Timothy A. McKeever <Tmckeever@hwb-law.com>

Subject: RE: FOIA Request EPA-R10-2016-008731

Tim,

Answers to your questions are below.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Friday, August 12, 2016 12:05 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: RE: FOIA Request EPA-R10-2016-008731

Follow up questions—if we decide to narrow our request could we get another rough estimate of the cost of the narrowed request?

Yes – The government would not proceed without providing you an estimate for search and review and then getting a fee assurance from you.

Would we have to start all over with a narrowed request or would we simply proceed on this pending request as narrowed.

You would not have to start all over with a narrowed request. When and if you narrow the request, I would follow up with a letter confirming the new scope of the request. That letter would be uploaded to FOIAonline so that the new scope is documented.

Once you process a narrowed request would you normally tell us how many pages or documents have been identified as responsive? And in this case would you be in a position to tell us how many of the responsive documents are marked ‘confidential’ and how many are not?

Yes – For a “normal” FOIA, all responsive documents are accounted for. They are accounted for because they are released in full or in part to the requester or documented on a privilege log if they are withheld in full. Here, the government would provide the number of documents stamped confidential that it is unable to release because of the second amended protective order. Documents that have not been stamped confidential would be accounted for because they would either be released to you in full or in part or documented on a privilege log if they are withheld in full due to an applicable FOIA exemption.

This would help us decide how to proceed.

From: Palomaki, Ashley [<mailto:Palomaki.Ashley@epa.gov>]
Sent: Friday, August 12, 2016 11:27 AM
To: Timothy A. McKeever
Subject: RE: FOIA Request EPA-R10-2016-008731

Mr. McKeever,

Per our conversation this morning, a copy of the second amended protective order is attached.

Best,

Ashley

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]
Sent: Thursday, August 11, 2016 4:56 PM
To: Palomaki, Ashley
Subject: Re: FOIA Request EPA-R10-2016-008731

Would 9:30 Seattle time work?

Sent from my iPhone

On Aug 11, 2016, at 2:46 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

DOJ and I are available at 12pm eastern (9 am pacific) tomorrow. Are you in Seattle or Anchorage? This is a little early Anchorage time. If this does not work for you, just let me know, and we will schedule another time.

Once we have a time scheduled, I will send a conference line around.

Best,

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

1200 Sixth Avenue, Suite 900, ORC-113

Seattle, WA 98101

206-553-8582

From: Timothy A. McKeever [<mailto:Tmckeever@hwb-law.com>]

Sent: Thursday, August 11, 2016 2:20 PM

To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

Subject: Re: FOIA Request EPA-R10-2016-008731

Dear Ms. Palomaki,

I am happy to meet with you to discuss this issue. I could do it tomorrow, or Monday or Tuesday of next week or anytime after August 25th. Please let me know what work for you and the DOJ atty.

Sent from my iPhone

On Aug 11, 2016, at 12:44 PM, Palomaki, Ashley <Palomaki.Ashley@epa.gov> wrote:

Mr. McKeever,

The EPA has received your FOIA request, which seeks the following:

Copies of all documents produced by Pebble Limited Partnership and/or its parent company, Northern Dynasty Minerals Ltd. and/or any other entity, to the US Environmental Protection Agency and/or the US Department of Justice in response to Requests for Production 19-21, 23, 25-26 in Defendants' First Set of Requests for Production of Documents at 6, Exhibit 1, Defendants' Motion to Compel [etc.], Docket No. 209, in the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH in the United States District Court for the District of Alaska. This request extends to all records or documents produced in response to the Order dated May 5, 2016 relating to the Motion to Compel in that case.(attached) The documents sought are those documents discussed in the paragraph beginning on page 10 of the attached Order which are ordered to be produced on pages 11 and 12 of the same.

I would like to set a time to discuss this request with you and a Department of Justice attorney that works on the case entitled Pebble Limited Partnership vs. Environmental Protection Agency, et. al.; Case No 3:14-cv-0171-HRH. We would like to better understand your request, see if you would like to narrow your request in light of the fee waiver denial or for any other reason, and to explain the potential implications of the amended protective order and other possible FOIA exemptions to your request.

The processing clock is stopped for your FOIA request until we receive your clarification or modification.

Please respond within ten calendar days from the date of this letter to arrange a time to discuss your request. If we do not receive a response from you within this time period, we will consider your request to be voluntarily withdrawn. Once the request is clarified and we receive a written assurance of payment for the full processing amount, we will continue processing your FOIA request and provide you with an updated estimated timeframe for completion.

I look forward to hearing from you.

Ashley

Ashley Palomaki

Assistant Regional Counsel

U.S. EPA Region 10 Office of Regional Counsel

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